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Dominions  
No. 51.

CONFIDENTIAL.

## FURTHER CORRESPONDENCE

[September, 1912, to December, 1914.]

RELATING TO THE

# IMPERIAL CONFERENCE.

(In continuation of Dominions No. 45; continued by Dominions No. 57.) 9/

IMPERIAL CONFERENCE SECRETARIAT,

July, 1915.



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### RESOLUTION I.: CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1914		
			(a) United States Peace Commission.		
1	Foreign Office ... ..	—	January 20	Transmits copies of correspondence with His Majesty's Ambassador at Washington respecting the proposals of the United States Government for the establishment of Peace Commissions; leaves it to Mr. Harcourt to make such communication to the Canadian Government as may be deemed advisable.	1
2	To the Governors-General and Governors ... ..	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Confidential	January 24	Transmits a copy of the note from the United States Government enclosed in No. 1, together with a copy of a memorandum on the subject which had previously been communicated by Mr. Bryan to His Majesty's Ambassador; states that the proposals made by Mr. Bryan are still under consideration, and that a further communication will be sent.	3
3	Ditto ... ..	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Telegram Confidential	February 17	Inform them that the United States Government have made proposals to His Majesty's Government for a Peace Commission Treaty on the lines indicated; observes that His Majesty's Government are prepared to enter into negotiations for such a treaty provided that, prior to ratification, the Arbitration Treaty with the United States is renewed; inquires whether his Government concur.	4
4	The Governor ... ..	New Zealand Telegram Confidential	(Rec. Mar. 5.)	States, in reply to No. 3, that the New Zealand Government approve of the step proposed to be taken by His Majesty's Government.	5
5	The Governor-General ... ..	Union of South Africa Telegram Confidential	(Rec. Mar. 5.)	Concurs, in reply to No. 3, in the steps proposed to be taken by His Majesty's Government.	5
6	The Governor ... ..	Newfoundland Telegram	(Rec. Mar. 6.)	Ditto.	5
7	The Governor-General ... ..	Canada 123	March 4 (Rec. Mar. 16.)	Forwards copies of an approved minute of the Privy Council stating, in reply to No. 3, that Ministers have no objection to the proposed negotiations providing that it is made clear that existing arrangements providing for the settlement of disputes between the United States and Canada would not be interfered with.	5



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
8	The Governor-General	Australia Telegram	(Rec. Mar. 27.)	States that the Commonwealth Government cordially concur in the action proposed in No. 3.	7
9	To the Governors-General and Governors	Canada, Australia, Union of South Africa, New Zealand, Newfoundland, Confidential	April 8	Indicates the terms of the treaties concluded by the United States with various Powers for the institution of International Peace Commissions.	7
10	Ditto ...	Canada, Australia, Union of South Africa, New Zealand, Newfoundland Telegram	September 4	Inform them that the negotiations with the United States Government have resulted in the preparation of a draft treaty for the establishment of Peace Commissions which appears to His Majesty's Government to be quite satisfactory; indicates the divergencies between the draft and the treaty with the Netherlands enclosed in No. 2, and adds that His Majesty's Ambassador at Washington is being instructed to sign the treaty forthwith with a view to its early ratification.	8
11	Ditto ...	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Confidential	September 8	Transmits, with reference to No. 10, copies of the draft treaty and of the statement made by the United States Secretary of State to the Foreign Relations Committee of the Senate on the 15th July.	11
12	Ditto ...	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Telegram	September 19	Notifies signature on 16th September of the Peace Commission Treaty with the United States.	11
13	The Governor ...	New Zealand Confidential	September 16 (Rec. Oct. 21.)	Transmits memorandum from Prime Minister repeating the concurrence of his Government in the action of the Imperial Government in the matter, and agreeing to the variations in the form of the treaty set out in No. 10.	11
14	To the Governors-General and Governors	Canada 1026, Australia 781, New Zealand 597, Union of South Africa 706, Newfoundland 483	December 24	Transmits copies of the Peace Commission Treaty with the United States.	12

**(b) Second Peace Conference (Convention) Bill.**

15	To the Governors-General and Governors	Canada 279, Australia 229, New Zealand 168, Union of South Africa 171, Newfoundland 127	April 17	Encloses, together with an explanatory memorandum, copies of a Bill "to make such amendments in the law with respect to international tribunals, neutrality, and other matters as are necessary to enable certain conventions to be carried into effect."	12
16	The Governor-General	Canada 424	July 24 (Rec. Aug. 3.)	Transmits a copy of an approved minute of the Privy Council expressing the opinion that, for the reasons given, the Bill enclosed in No. 15 should not be extended to the Dominion, its clauses being capable of local sanction.	13

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
<b>(c) Third Peace Conference.</b>					
17	To Foreign Office ...	—	April 6	Refers to the scheme which, it is understood, is under consideration for setting up a National Committee in connexion with the instructions to British delegates at the next Hague Conference; presumes that the promise made by Sir E. Grey at the Conference of 1911 that the Dominions should be represented on the Committee to be set up for this purpose will be carefully borne in mind; and suggests that the Dominions should be informed of the subjects which His Majesty's Government propose to have included in the programme for the next Hague Conference, and their observations invited.	15
18	Foreign Office ...	—	April 15	Transmits a copy of a memorandum circulated to the Cabinet containing proposals as to the formation of a British Preparatory Committee in view of the meeting of the Third International Peace Conference; and calls attention to the paragraph putting forward suggestions as to the manner of fulfilling the pledge given to the representatives of the Dominions at the Imperial Conference of 1911.	15
19	To Foreign Office ...	—	April 23	Transmits, in reply to No. 18, the draft of a circular despatch to the Dominions relative to the programme for the Third Hague Conference and to the preparation of the instructions of the British delegates.	15
20	Foreign Office ...	—	May 18	Concurs generally in the draft enclosed in No. 17, but suggests that paragraphs 2 and 7 should be amended as indicated; adheres to the view expressed in the memorandum enclosed in No. 18 that it would be impracticable for representatives of the Dominions to attend all the meetings of the sections; and trusts that the proposals made in that memorandum will be regarded as adequately fulfilling the pledge given to the Dominions.	16
21	To Foreign Office ...	—	May 26	Submits reasons which render it undesirable to adopt the modifications in the draft despatch suggested in No. 20; and inquires whether any additions to the draft despatch are necessary in view of Sir E. Grey's remarks in the House as to the discussion at the next Hague Conference of the question of the capture of private property at sea.	18



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
22	To the Governors-General and Governors	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Confidential	July 17	Indicates the subjects to be discussed at the Third Peace Conference, those which His Majesty's Government propose to raise, and those which it is probable will be raised by other countries; requests any observations on the subjects proposed to be raised by His Majesty's Government; invites representation of the Dominions at the meetings of the Imperial Defence Committee which will perform the duties previously discharged by an interdepartmental conference; and states the arrangements which are proposed.	19
23	The Governor ...	New Zealand Confidential	September 26 (Rec. 9 Nov.)	States, with reference to No. 22, that the Prime Minister assumes that, in view of the outbreak of war, it is not necessary to consider matters relating to the proposed Third Peace Conference, and no action will therefore be taken pending further advice.	21

**(d) International Convention as to Spitzbergen.**

24	Foreign Office ...	—	July 23	Forwards an extract from a despatch from His Majesty's Minister at Christiania respecting the position of British Dominions and Colonies with regard to the Spitzbergen Convention, together with a draft reply; observes as to the effect of the convention on the Dominions and Colonies; and presumes that it will be unnecessary to consult the Dominions prior to signature.	21
25	To Foreign Office ...	—	September 7	Takes exception to the passage in the draft despatch enclosed in No. 24 in which it is implied that a provision that each Power should be entitled to state whether the Convention was to apply to its Colonial subjects was adequate in theory.	22

**(e) Renewal of certain Arbitration Agreements.**

26	Foreign Office ...	—	January 14	Requests that the Dominions may be consulted with a view to the renewal of the Arbitration Agreement with Germany which expires on 12th July, 1914; and suggests that, to save correspondence, the agreements with Sweden, Norway, Portugal, and Switzerland, which will expire during 1914, might be included in the reference to the Dominions.	23
27	To the Governors-General and Governors	Canada 70, Australia 49, New Zealand 41, Union of South Africa 44, Newfoundland 30	January 27	Proposes to renew, on or before the dates of expiry, the Arbitration Agreements with Germany, Sweden, Norway, Portugal, and Switzerland.	24

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
28	To Foreign Office ...	—	January 28	Transmits a copy of No. 27.	24
29	The Governor-General	Canada 95	February 19 (Rec. Mar. 2.)	Transmits, in reply to No. 27, a copy of an approved minute of the Privy Council expressing concurrence in the proposal to renew the Arbitration Agreements referred to.	24
30	The Governor ...	Newfoundland 37	February 25 (Rec. Mar. 9.)	States that his Ministers are in favour of the renewal of the Arbitration Agreements with Germany, Sweden, Norway, Portugal, and Switzerland.	25
31	The Governor-General	Australia 92	March 18 (Rec. Apr. 20.)	Reports that his Government agree to the renewal of the Arbitration Agreements with Germany, Sweden, Norway, Portugal, and Switzerland.	25
32	Ditto ...	Union of South Africa 231	April 23 (Rec. May 12.)	Forwards minute from Ministers stating that they have no objection to the renewal of the Arbitration Agreements with Germany, Sweden, Norway, Portugal, and Switzerland.	26
33	The Governor ...	New Zealand 71	April 24 (Rec. June 1.)	Transmits memorandum from Prime Minister concurring in the renewal of the Arbitration Agreements with Germany, Sweden, Norway, Portugal, and Switzerland.	26
34	To the Governors-General and Governors	Canada 564, Australia 455, New Zealand 316, Union of South Africa 330, Newfoundland 242	July 23	Transmits copies of notes exchanged with the German Ambassador providing for the renewal for a period of five years of the Anglo-German Arbitration Agreement.	27
35	Ditto ...	Canada 1000, Australia 756, New Zealand 579, Union of South Africa 680, Newfoundland 467	December 18	Transmits copies of the Arbitration Conventions with Sweden, Norway, and Portugal.	28

**RESOLUTION V.: INTERNATIONAL EXHIBITIONS.**

<b>1914</b>					
36	Board of Trade ...	—	March 4	Points out that there are several countries which might prefer to retain their freedom to participate in as many exhibitions as they might see fit, and whose interests might consequently be better served by standing out of the International Convention upon Exhibitions; and suggests that, before accepting the decision of the New Zealand Government to adhere to the Convention, these considerations should be brought to the notice of the High Commissioner.	29



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			<b>1914</b>		
37	To the Governor ...	New Zealand Confidential	March 6	Inquires whether the wishes of his Ministers have been modified in any degree by consideration of the documents enclosed in Secretary of State's despatch No. 209, of the 10th of June, 1913; points out that there are certain countries to whose advantage it might be to retain their freedom to participate in as many exhibitions as they may consider fit, and whose interests might therefore be better served by standing out of the Convention.	29
38	To Board of Trade...	—	March 7	Transmits a copy of No. 37.	30
39	The Governor ...	New Zealand Confidential	May 14 (Rec. June 22.)	States that Ministers still desire that, in the event of ratification by His Majesty's Government of the International Exhibitions Convention, 1912, notification of adherence should be made in respect of New Zealand.	30
40	The Governor-General	Australia 198	June 25 (Rec. Aug. 4.)	Reports desire of Ministers that notification of adherence to the Convention may be made in respect of the Commonwealth.	31

## 3.

## RESOLUTION VII.: EMIGRATION.

			<b>1914</b>		
41	The Governor ...	New Zealand 69	April 24 (Rec. June 1.)	States that his Government will be pleased to learn, when the report of the Dominions Royal Commission on emigration to the self-governing Dominions has been made, whether the Board of Trade proposes to take any further action in the matter of the utilization of the United Kingdom Labour Exchanges in connexion with the notification of vacancies for employment in New Zealand.	32

## 4.

## RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

			<b>1914</b>		
42	To Treasury ...	—	March 11	Transmits copy of correspondence relating to the Draft Maintenance Orders (Facilities for Enforcement) Bill, and requests that the Parliamentary Counsel may be authorized to redraft the Bill on the lines indicated in this correspondence.	33
43	To the Local Government Board, the Local Government Board for Ireland, and the Local Government Board for Scotland	—	August 5	Transmits revised draft of the Maintenance Orders (Facilities for Enforcement) Bill, together with copy of correspondence.	33

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			<b>1914</b>		
44	To Home Office ...	—	August 5	Transmits revised draft of the Maintenance Orders (Facilities for Enforcement) Bill, with copy of Dominions No. 57; concurs generally in the terms of the draft subject to certain observations, and proposes, if the amendments suggested are adopted, to have the Bill redrafted and then to communicate to the self-governing Dominions in the circular despatch of which a draft is enclosed.	33
45	Home Office ...	—	August 14	Concurs in the terms of the draft Bill as amended by the two suggestions made in No. 44.	34
46	Local Government Board	—	November 7	States that the Board do not desire to offer any observations upon the revised draft.	34
47	To the Governors-General and Governors	Canada 988, Australia 749, New South Wales 159, Victoria 109, Queensland 118, Tasmania 102, South Australia 119, Western Australia 107, New Zealand 574, Union of South Africa 669, Newfoundland 459	December 17	Transmits copies of a draft Bill embodying the general result of the consideration given to the subject, and indicating the general lines on which it is proposed to deal with it; requests observations of Ministers, and asks whether, in the event of legislation being passed by the Imperial Parliament, they would be prepared to take steps to secure the enactment of the reciprocal provisions.	35

## 5.

## RESOLUTION IX.: COURT OF APPEAL.

			<b>1914</b>		
48	To the Governor-General and Governors	Canada 27, New Zealand 18, Newfoundland 16, New South Wales 6, Victoria 4, Tasmania 7, South Australia 5, Western Australia 7, Queensland 8	January 14	Transmits a copy of a despatch from the Governor-General of Australia on the subject of the publication of dissenting opinions in the case of judgments of the Judicial Committee.	40
49	To Privy Council Office	—	January 15	Transmits a copy of despatch No. 264, of 11th November, 1913, from the Governor-General of Australia, together with a draft of despatch to the Governor-General of the Union of South Africa.	40
50	Privy Council Office...	—	January 20	Concurs in the terms of the draft despatch enclosed in No. 49.	40



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
51	To the Governor-General	Union of South Africa 71	February 12	Presumes that, as the Governments of all the other self-governing Dominions and of the Australian States have agreed that the existing practice of the Judicial Committee should not be altered, his Ministers would not desire that an exception to this procedure should be made applicable only to South African cases.	41
52	The Governor-General	Union of South Africa 144	March 19 (Rec. April 7.)	Transmits a minute from Ministers stating that Ministers do not feel that they would be justified in asking that exception shall be made in the case of the Union to the retention of the existing practice of not publishing dissenting opinions.	41
53	To Privy Council Office	—	May 12	Transmits a copy of No. 52.	42
54	To the Governors-General and Governors	Canada 354, Australia 286, New South Wales 60, Victoria 30, Queensland 40, South Australia 35, Western Australia 35, Tasmania 36, New Zealand 201, Newfoundland 148	May 12	Transmits a copy of No. 52.	42

## 6.

## RESOLUTION X: NATURALIZATION.

<b>1914</b>					
55	The Governor-General	Canada Telegram	(Rec. May 26.)	States that the Canadian Government may adopt an amendment to the Naturalization Bill enacting that the provisions in that Bill requiring adequate knowledge of either English or French shall not apply to aliens whose period of residence in Canada has commenced or shall have commenced before the coming into force of the Act.	43
56	To Home Office ...	—	May 30	Transmits a copy of No. 55; indicates the terms of the proposed reply; proposes to reply that, so far as Imperial naturalization is concerned, the amendment cannot be accepted, but invites observations.	43
57	Home Office...	—	June 1	Agrees with the terms of the reply indicated in No. 56, and suggests the addition of a caveat as to the form of the provision which the Canadian Government may make in any local Bill.	44

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
58	To the Governor-General	Canada Telegram	June 1	States that the amendment proposed in No. 55 would, as far as Imperial naturalization is concerned, necessitate amendment in the Imperial Bill which cannot now properly be made without the consent of all the Dominions and the introduction by them of a similar amendment; and adds that it is open to the Canadian Government to adopt any provisions for purely local naturalization.	44
59	Home Office...	—	June 9	Criticizes the terms of the Canadian Naturalization Bill.	44
60	To the Governor-General	Canada Telegram	June 10	States that there is great doubt whether Clause 8 of the Canadian Naturalization Bill is sufficient to bring Part II. of the Imperial Bill in force in Canada, and therefore suggests an amendment as indicated; and adds that, although there is no objection to any period for naturalization being adopted as regards local naturalization, the period for Imperial purposes must be five years.	45
61	The Governor-General	Canada Telegram	(Rec. June 12.)	Replies to the observations in No. 60 and states that the period for Imperial naturalization has been fixed by the Canadian Bill at five years, the three years being continued temporarily for local naturalization only.	46
62	To Home Office ...	—	June 16	Transmits a copy of No. 61; proposes to leave to the consideration of the Dominion Parliament, at its next session, the question of making it clear that the Canadian Bill is to be regarded as an adoption of Part II. of the Imperial Act, and forwards draft reply to the Governor-General.	46
63	To the Governor-General	Canada Telegram Extract	June 17	Inquires whether the Naturalization Bill has been passed by Parliament.	47
64	The Governor-General	Canada Telegram Extract	(Rec. June 25.)	Reports that the Naturalization Bill has been passed and assented to.	47
65	To the Governor-General	Canada Telegram	July 1	Accepts the view that certificates of Imperial naturalization must, to be effective in Canada, be made so effective by the Canadian Parliament; points out that, except under the authority of the Imperial Parliament, certificates granted under Canadian law cannot have the same effect outside Canada as certificates granted under the Imperial Bill; and that Section 8 does not provide for this; observes that, in view of the passing of the Canadian Act and the prorogation of the Canadian Parliament, it is questionable whether the Act passed before the passage of the Imperial Act could be regarded as adopting that Act; and suggests action to be taken in the circumstances.	47



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
66	The Acting Governor-General	Canada Telegram	(Rec. July 8.)	Reports that the Canadian Parliament has enacted Section 8 of the Naturalization Bill in the precise form of Section 8 of the Imperial Act; points out that the Canadian and Imperial Acts are to come into operation on 1st January, 1915; and observes that if further legislation is deemed advisable such legislation should be passed by the Canadian and not by the United Kingdom Parliament.	48
67	To Home Office ...	—	July 11	Transmits a copy of No. 66; considers that the opinion of the Law Officers should be taken on the points arising out of the Canadian Act under discussion; and promises a draft of the reference in due course.	49
68	To the Governor-General	Canada Telegram	August 20	Notifies that the Imperial Nationality Act has been passed and copies are being sent by mail; indicates alterations made and suggests that advantage be taken of the present session of Parliament to amend the Canadian Act in conformity with alterations made in the Imperial Act, if they commend themselves to his Ministers, and at the same time to remove any doubt as to whether Part II. of the Canadian Act constitutes the adoption of Part II. of the Imperial Act.	49
69	Ditto ...	Canada Secret (2)	August 20	Transmits copies of the British Nationality and Status of Aliens Act, 1914.	50
70	To the Governors-General and Governors	Australia, New Zealand, Union of South Africa, Newfoundland Secret	August 20	Transmits copies of the British Nationality and Status of Aliens Act, 1914; and invites special attention to the alterations indicated.	50
71	The Governor-General	Canada Telegram	September 19 (Rec. Sept. 19.)	Reports, in reply to No. 68, that a special Naturalization Act has been passed.	50
72	Ditto ...	Canada 558	September 22 (Rec. Oct. 2.)	Transmits a copy of a letter from the Secretary of State for External Affairs forwarding a copy of the Naturalization Act (Amendment) Act, 1914, embodying in the principal Canadian Act the amendments referred to in No. 68.	50
73	The Governor ...	New Zealand Secret	October 21 (Rec. Dec. 4.)	Transmits, in reply to No. 70, memorandum from Prime Minister stating that the Act arrived too late to enable Parliament to deal with it during the present session, but that the necessary legislation will be introduced next session.	52

## RESOLUTION XIV: CHEAPER CABLE RATES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1913</b>					
74	To the Governors-General and Governor	Canada 575, Australia 441, New Zealand 291	August 1	Transmits a copy of a letter from the Pacific Cable Board to the Treasury enclosing a memorandum regarding the complaint of the New Zealand Government of the disparity between New Zealand and Australian terminal rates; communicates the observations of the Treasury on the memorandum, and requests views of their Ministers.	53
75	To the Governor-General and Governor	Canada 725, New Zealand 363	September 20	Transmits copy of a memorandum prepared by the Postmaster-General's Department of the Commonwealth of Australia on the subject of the terminal rates charged on Pacific Cable traffic in the Commonwealth and requests a further expression of Ministers' views in the light of this memorandum.	58
76	The Governor ...	New Zealand 171	November 21 (Rec. Dec. 29.)	Communicates the observations of the Postmaster-General on the memorandum of the Pacific Cable Board.	60
<b>1914</b>					
77	To the Governors-General	Canada 101, Australia 72	February 5	Transmits a copy of No. 76, and (to Canada only) asks whether Ministers are yet in a position to reply to No. 74.	61
78	General Post Office...	—	April 30	Makes observations on the recommendations of the Dominions Royal Commission with regard to telegraph matters; and observes that where the recommendations directly concern the Post Office, the Postmaster-General thinks that the steps already taken are adequate.	61
79	The Governor-General	Canada 249	April 23 (Rec. May 2.)	States that Canada approves of the principle that the gross revenue from the Pacific Cable terminal charges, less the amount chargeable at urgent inland rates, be included in the Pacific Cable accounts, and is of opinion that Australia should be urged to accept the proposal.	63
80	To the Governor-General and Governor	Australia 280, New Zealand 196	May 8	Transmits a copy of No. 79.	63
81	To the Governors-General and Governors	Canada 351, Australia 284, New Zealand 198, Union of South Africa 204, Newfoundland 146	May 8	Forwards a copy of No. 78.	68
82	The Governor-General	Canada 342	June 19 (Rec. June 29.)	Transmits a copy of a letter from the Department of External Affairs, stating that the Postmaster-General of Canada agrees that the terminal rate charged by the Australian Post Office is unduly high.	64



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
83	To the Governor-General and Governor	Australia 422, New Zealand 292	July 8	Transmits a copy of the enclosure in No. 82.	64
84	The Governor ...	New Zealand 116	July 2 (Rec. Aug. 13.)	Conveys minute from the Postmaster-General noting the opinion of Canada that Australia should be urged to accept the proposal that the gross revenue from the Pacific Cable terminal charges, less the amount chargeable at urgent inland rates, be included in the Pacific Cable accounts.	65
85	The Pacific Cable Board	—	November 18	Transmits copies of a memorandum dealing with the terminal rates charged by the Australian Government, and asks that the Governments of Canada, Australia, and New Zealand may each be furnished with a copy.	65
86	The Governor-General	Australia 273	October 12 (Rec. Nov. 30.)	Forwards, in reply to Nos. 80 and 83, a copy of a despatch from the Prime Minister stating that the proposal of Canada cannot be accepted.	70

## 8.

## RESOLUTION XVI: STATE-OWNED WIRELESS TELEGRAPH STATIONS.

<b>1912</b>					
87	To the Governor-General	Union of South Africa 447	September 27	Understands that his Government are prepared to join in the Imperial wireless scheme, and asks to learn in due course whether the Company may be informed that the agreement with them has been approved by his Government.	73
88	The Governor ...	New Zealand 152	September 25 (Rec. Nov. 4.)	States that Ministers will give particular attention to the provision made in Clause 28 of the agreement with the Marconi Company. [Adoption of the agreement by other Colonial Governments.]	73
89	The Governor-General	Union of South Africa 746	November 21 (Rec. Dec. 16.)	Forwards minute from Ministers stating that they are prepared to join in the scheme but are unable to give the assurance asked for in No. 87 until Parliamentary sanction of the agreement has been obtained, for which steps will be taken.	74
<b>1913</b>					
90	To the Governors-General and Governors	Canada 61, Australia 58, New Zealand 41, Union of South Africa 35, Newfoundland 24	January 17	Transmits copies of a special report of the Select Committee of the House of Commons [House of Commons 430] on the agreement between the Postmaster-General and the Marconi Wireless Telegraph Company.	74

<b>1913</b>					
91	To the Governor-General	Union of South Africa 50	January 30	Observes that the Secretary of State will be glad to learn that his Government are taking steps to secure an option on the site for the Imperial wireless station to be erected near Pretoria.	75
92	To the Governors-General and Governors	Canada 135, Australia 115, New Zealand 73, Union of South Africa 76, Newfoundland 41	February 20	Transmits copies of a letter to the General Post Office from the Marconi Wireless Telegraph Company asking to be released from their contract for the erection of the Imperial wireless telegraph stations owing to delay in obtaining the approval of the House of Commons, and of the reply declining to accede to the request.	75
93	General Post Office...	Extract	March 4	Forwards further correspondence with the Marconi Wireless Telegraph Company, which has now intimated that it will not consider itself bound by the contract of 19th July after 1st March, 1915.	77
94	To the Governors-General and Governors	Canada 202, Australia 166, New Zealand 106, Union of South Africa 112, Newfoundland 67	March 13	Transmits copy of No. 93.	79
95	The Governor-General	Union of South Africa 175	March 19 (Rec. April 7.)	Transmits minute from Ministers stating that the site for the wireless station to be erected near Pretoria has been provisionally selected by an engineer of the Marconi Company.	80
96	To the Governors-General and Governors	Canada 337, Australia 265, New Zealand 165, Union of South Africa 190, Newfoundland 110	May 2	Forwards report of the Committee appointed to consider the existing systems of long distance wireless telegraphy, and in particular as to their capacity for continuous communication over the distances required by the Imperial chain.	80
97	The Governor-General	Australia 107	May 9 (Rec. June 16.)	Transmits particulars of wireless telegraph stations in Australia, in operation, to be opened shortly, and under construction.	81
98	To the Governors-General and Governors	Canada 576, Australia 442, New Zealand 202, Union of South Africa 328, Newfoundland 201	August 1	Transmits copy of the new agreement with Marconi's Wireless Telegraph Company for the establishment of a chain of Imperial wireless stations.	81
<b>1914</b>					
99	To the Governor-General	Union of South Africa Telegram	February 14	Asks that Ministers will bring before Parliament as soon as convenient the wireless telegraph contract.	82



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
100	The Governor-General	Union of South Africa Telegram	(Rec. Feb 23)	States, in reply to No. 99, that the wireless telegraph agreement has been laid on the table of the House for approval as far as the South African station is concerned, and that Ministers have resolved to ask Parliament to authorize the necessary expenditure.	82
101	To the Governor-General	Australia Telegram	March 6	States that Postmaster-General is anxious to know when the Port Darwin station is expected to be open and what will be its normal day range.	82
102	To the Governors-General	Australia 213, Union of South Africa 164	April 9	Transmits a copy of a revised schedule of the wave lengths which the Marconi Wireless Telegraph Company propose should be used at the stations of the Imperial wireless chain.	82
103	The Governor-General	Australia Telegram	(Rec. April 17.)	Reports, in reply to No. 101, that the Port Darwin station is now open, and indicates other stations which are open for public business; states that the Government contemplate the erection of a second station at Darwin of high power, but the site is not yet determined.	83
104	To the Governors-General	Australia, Union of South Africa Confidential	July 16	Transmits a copy of a further statement from the Marconi Company showing what wave lengths have been definitely chosen for the respective stations of the Imperial scheme.	83
105	To the Governor-General	Australia Telegram	July 18	Inquires whether it is proposed to provide duplex or simplex working at the high power wireless station, Port Darwin.	84
106	The Acting Governor-General	Union of South Africa Telegram	July 21	States that the contract with the Marconi Company was sanctioned by the Union Parliament before prorogation.	84
107	The Governor-General	Australia Telegram	(Rec. August 7)	States that it is proposed to provide simplex working at the high power wireless station at Port Darwin.	85

## 9. RESOLUTION XIX: COMMERCIAL TREATIES.

### (a) WITHDRAWAL OF THE DOMINIONS FROM CERTAIN TREATIES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
<b>Costa Rica.</b>					
108	The Governor-General	Australia 805	Dec. 24, 1913 (Rec. Feb. 9, 1914.)	Requests that notice may be given of withdrawal from the Commercial Treaty with Costa Rica of 1849, on behalf of the Commonwealth, Papua, and Norfolk Island.	86
109	To Foreign Office ...	—	February 14	Transmits a copy of No. 108, and requests that His Majesty's Minister at Panama may be instructed to take steps to carry into effect the wishes of the Commonwealth Government.	86
110	To the Governor-General	Australia 158	March 20	States that His Majesty's Minister at Panama has been instructed to take steps for the termination of the Commercial Treaty of 1849 with Costa Rica, with respect to the Commonwealth, Papua, and Norfolk Island, and to report the date on which the formal notification is made.	86
<b>Denmark.</b>					
111	The Governor-General	Australia 297	Dec. 12, 1913 (Rec. Jan. 17, 1914.)	Requests that the notice of withdrawal from the existing Anglo-Danish Treaties may be given on behalf of the Commonwealth, Papua, and Norfolk Island.	87
112	To Foreign Office ...	—	January 28	Transmits a copy of No. 111, and requests that the necessary steps may be taken to carry into effect the wishes of the Commonwealth Government.	87
113	To the Governor-General	Australia 112	February 20	Requests him to inform Ministers, in reply to No. 111, that the desired notification was addressed to the Danish Government on 7th February.	87
114	Ditto ...	Australia 182	March 27	Transmits a copy of a despatch from His Majesty's Minister at Copenhagen reporting that the Danish Government takes note of the termination in respect of the Commonwealth, Papua, and Norfolk Island of the existing Anglo-Danish Treaties, with effect from the 8th of February, 1915.	88
115	Foreign Office ...	—	July 7	Transmits a copy of a note from the Danish Legation suggesting that an arrangement be concluded between the Danish and Australian Governments for the grant of reciprocal most-favoured-nation treatment until a new treaty is agreed upon; and observes that the simplest way of effecting this would be by an exchange of notes.	89
116	To the Governor-General	Australia 443	July 17	Transmits a copy of the enclosure in No. 115, and observes that the Secretary of State for Foreign Affairs considers that the simplest method of procedure would be an exchange of notes.	90



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
117	The Governor-General	Australia 286	November 2 (Rec. Dec. 11.)	Reports that his Government see no practical advantage that would accrue from the proposal in No. 115.	90
118	Foreign Office ..	—	December 14	Transmits copy of note from the Danish Minister inquiring whether the Australian Government are disposed to conclude the arrangement suggested in No. 115.	90
119	To Foreign Office ...	—	December 23	Transmits, in reply to No. 118, copy of No. 117.	91
<b>Norway.</b>					
<b>1913</b>					
120	To the Governors-General and Governors	Canada 734, Australia 560, New Zealand 369, Union of South Africa 397, Newfoundland 254	September 26	Transmits copies of a Convention between Great Britain and Norway securing for the self-governing Dominions the right of termination of the Anglo-Norwegian Treaty of 1826; adds that ratifications were exchanged on 8th September.	91
<b>1914</b>					
121	The Governor-General	Australia 298	Dec. 12, 1913 (Rec. Jan. 17, 1914.)	Requests that notice of withdrawal from the Convention of Commerce and Navigation between the United Kingdom and Norway of the 18th of March, 1826, may be given on behalf of the Commonwealth, Papua, and Norfolk Island.	92
122	To Foreign Office ..	—	January 28	Transmits a copy of No. 121, and requests that steps may be taken to cause the wishes of the Commonwealth Government to be carried into effect.	92
123	To the Governor-General	Australia 144	March 13	Transmits copy of a despatch from His Majesty's Minister at Christiania covering note from the Norwegian Government stating that the Anglo-Norwegian Treaty of 1826 will cease to have effect as regards Australia, Papua, and Norfolk Island as from 10th February, 1915.	92
<b>Paraguay.</b>					
124	Ditto ...	Australia 322	May 22	Transmits copies of despatches from His Majesty's Minister at Buenos Ayres on the subject of the notification to the Paraguayan Government of the desire of His Majesty's Government to terminate the Anglo-Paraguayan Commercial Treaty of 16th October, 1884, in respect of Papua.	93

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
<b>Portugal.</b>					
125	To the Governor-General	Canada Telegram	January 2	States that His Majesty's Government will endeavour to obtain the insertion of the usual Colonial clauses; observes that Newfoundland has offered, in return for the minimum tariff, a reduction of duties on port and madeira; and inquires whether his Ministers are prepared, if necessary, to make a similar concession, or, if not, whether they are disposed to offer any corresponding advantage to the Portuguese Government.	95
126	To the Governors-General and Governors	Canada 107, Australia 690, New Zealand 522, Union of South Africa 601, Newfoundland 414	November 20	Transmits copies of the Treaty of Commerce and Navigation with Portugal, and invites attention to the terms of Article 21 with regard to the application of the treaty to His Majesty's Dominions overseas, and to goods produced or manufactured therein.	95
127	Ditto ...	Canada 999, Australia 755, New Zealand 578, Union of South Africa 679, Newfoundland 466	December 18	Transmits copies of the Anglo-Portuguese Commercial Treaty Act, 1914.	95
<b>Russia.</b>					
128	Board of Trade ...	—	January 14	Criticizes the arguments used in the memorandum enclosed in Colonial Office letter of 1st December; doubts the advisability of raising the question at the present moment, but asks that, if Mr. Harcourt still considers that the matter should be put before the Law Officers, an opportunity be given the Board of being represented at any conference held with the Law Officers before their opinion is given.	96
129	To Foreign Office ...	—	January 31	States reasons for which Mr. Harcourt cannot concur in the proposal now made by the Board of Trade that the Law Officers should not be consulted regarding the position of British vessels under treaties with foreign Powers.	97
130	Board of Trade ...	—	February 27	Transmits a copy of a letter to the Foreign Office stating that the Board do not feel able to modify the view expressed in their previous letter.	98
131	To Foreign Office ...	—	March 11	States that Mr. Harcourt has given careful consideration to the arguments adduced in the Board of Trade letter to the Foreign Office enclosed in No. 130, but still considers it necessary to obtain from the Law Officers a ruling on the legal aspect of the matter; and expresses the opinion that the question of the policy to be adopted should stand over for further discussion when the legal position has been definitely ascertained.	99



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
132	Foreign Office ...	—	June 15	Submits reasons for which Sir E. Grey agrees with the opinion of the Board of Trade that it is inadvisable to urge on foreign Powers the doctrine that British Colonial vessels are entitled to claim all privileges secured to British vessels by treaty, even if the Dominions to which the vessels belong are not parties to the treaty; encloses draft of a counter-protocol which it is proposed to ask the Russian Government to accept.	99
<b>Sweden.</b>					
133	The Governor-General	Australia 299	Dec. 12, 1913 (Rec. Jan. 17, 1914.)	States that the Commonwealth Government desire to withdraw from the Anglo-Swedish Treaties indicated, and also desire that arrangements be made for the withdrawal of Papua and Norfolk Island.	102
134	To the Governor-General	Australia 52	January 29	States, in reply to No. 133, that steps will be taken as desired; and points out that arrangements had already been made for the withdrawal of Papua and Norfolk Island.	103
135	To Foreign Office ...	—	January 29	States that the Commonwealth Government desire to terminate the application to the Commonwealth, Papua, and Norfolk Island of the Anglo-Swedish Treaties specified, and requests that the necessary steps may be taken.	103
136	Foreign Office ...	—	May 4	Forwards a copy of a despatch from His Majesty's Minister at Stockholm enclosing a copy of a note from the Swedish Government acknowledging the receipt of the notification of the termination, in respect of the Commonwealth, Papua, and Norfolk Island, of certain Anglo-Swedish Commercial Treaties.	103
137	To the Governor-General	Australia 274	May 7	Encloses a copy of the enclosure in No. 136.	104
<b>Switzerland.</b>					
138	Foreign Office ...	—	January 2	Transmits a copy of a note to the Swiss Minister submitting a draft Convention for the withdrawal of Dominions from the Anglo-Swiss Commercial Treaty of 1855.	104
139	To the Governors-General and Governors	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Confidential	January 20	Transmits a copy of No. 138.	106

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
140	Foreign Office ...	—	February 13	Transmits a copy of a note from the Swiss Chargé d'Affaires stating that, subject to certain formal amendments, the Swiss Government agree to the draft Convention modifying the Anglo-Swiss Commercial Treaty of 1855; and inquires whether Mr. Harcourt concurs in the proposed amendments.	106
141	To Foreign Office ...	—	February 19	Concurs in the amendments referred to in No. 140.	108
142	To the Governors-General and Governors	Canada 268, Australia 217, New Zealand 157, Union of South Africa 167, Newfoundland 123	April 13	Transmits copy of a Convention signed at London on 30th March additional to the Anglo-Swiss Treaty of 1855.	108

## Correspondence in connexion with Industrial Property Conventions

## (a) Japan.

143	Foreign Office ...	—	January 2	Concurs in the terms of the draft despatch to Canada explaining the position with regard to the exclusion from the scope of the Anglo-Japanese Treaty of 3rd April, 1911, of all matters relating to trade-marks, etc.	108
144	To the Governor-General	Canada 20	January 9	States that, after careful consideration of the views of the Japanese Government, His Majesty's Government are inclined to agree with that Government that the general terms of Article 24 of the Treaty of 1911, under which general most-favoured nation treatment is conferred on British subjects, are not applicable to matters dealt with in the Industrial Property Convention; and that, in view of the considerations indicated, His Majesty's Government do not propose to press the question of the interpretation of that article.	109
145	Foreign Office ...	—	March 11	Transmits, with reference to No. 143, copies of further correspondence in which the Japanese Government express the opinion that companies established in British Possessions which have not adhered to the Industrial Property Convention cannot have the same rights as companies established in Possessions which have adhered to the Convention, and in which the Foreign Office suggest, as a solution to the difficulty, registration in the name of an individual of the company instead of in the name of the company itself.	110
146	Ditto ...	—	March 11	Transmits a copy of a despatch from His Majesty's Ambassador at Tokio reporting that the application by the Anglo-Indian Drug and Chemical Company for the registration of a trade-mark in Japan has been granted, without the production of special documents.	112



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
147	To Foreign Office ...	—	March 19	Requests, before offering any observations on the questions dealt with in Nos. 145 and 146, a copy of the letter from the Foreign Office to the Board of Trade of the 27th February respecting the refusal of the authorities in Denmark and Sweden to register a Canadian trade-mark.	113
148	Foreign Office ...	—	March 25	Transmits a copy of the letter to the Board of Trade (asked for in No. 147) making observations on the points raised by the Colonial Office with regard to the recent refusal of the authorities in Denmark and Sweden to register a Canadian trade-mark.	113
149	Ditto ...	—	May 6	Transmits copies of correspondence with the Board of Trade respecting the objection of the Board to the registration in Japan of trade-marks in the name of individuals; and draft of a despatch to His Majesty's Ambassador at Tokio concurring in his opinion that any further attempt to secure registration would serve no useful purpose.	114
150	To Foreign Office ...	—	May 20	Concurs in the terms of the despatch proposed in No. 149, and states that the position will be explained to the Canadian Government.	116
151	Ditto ...	—	June 11	Transmits a draft of a despatch to the Governor-General of Canada communicating copy of the enclosure in No. 145, and stating that His Majesty's Government have concluded that it is not possible to contest the view held by the Japanese Government.	117
152	Foreign Office ...	—	June 25	Concurs in the terms of the draft despatch enclosed in No. 151.	117
<b>(b) Denmark and Sweden.</b>					
153	To Foreign Office ...	—	January 3	Forwards a copy of correspondence with the Board of Trade and Messrs. Evans-Jackson & Company regarding the refusal of the authorities in Denmark and Sweden to register a Canadian trade-mark; makes observations as to the treaty stipulations bearing on the matter; and proposes to communicate with the Canadian Government in the terms indicated.	118
154	Ditto ...	—	May 7	Inquires whether the Board of Trade have yet replied to the letter enclosed in No. 148.	119
155	Foreign Office ...	—	May 13	Transmits, in reply to No. 154, a copy of correspondence with the Board of Trade.	119

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
156	To Foreign Office ...	—	May 20	States, in reply to No. 155, that Mr. Harcourt will await the further letter which will doubtless be sent on receipt of the reply of the Board of Trade to the letter addressed to them on the 28th April; and gathers from the correspondence that Canadian companies are, in the opinion of the Board of Trade and the Foreign Office, entitled to the protection accorded by the Anglo-Danish Declaration of 1879 to British subjects.	121
157	Foreign Office ...	—	May 27	Submits views, in which the Board of Trade concurs, on the points raised in No. 153, and suggests that these views should be communicated to the Canadian Government as the views of His Majesty's Government.	122
158	To Foreign Office ...	—	June 11	Transmits, in reply to No. 157, drafts of communications to the Governor-General of Canada and Messrs. Evans-Jackson on the subject; states that Mr. Harcourt does not understand the nature of the doubts which have been raised as to the position of Colonial British subjects under the Anglo-Danish Declaration of 1879.	123
<b>Inclusion of Coasting Trade in Commercial Treaties.</b>					
159	Foreign Office ...	—	May 4	Forwards copies of correspondence with the Board of Trade and the Danish Minister respecting the recent Canadian Order in Council admitting certain foreign shipping to a portion of the Canadian coasting trade; remarks as to the treaty rights of the Powers not admitted by the Order, and suggests that the Dominion Government should be informed that it would, in the opinion of His Majesty's Government, be advisable to open to Danish vessels that portion of the coasting trade specified in the recent Order in Council.	126
160	To the Governor-General	Canada 377	May 18	Transmits a copy of the memorandum enclosed in No. 159, and requests that the question of the position of Danish ships under the Order in Council may receive the further consideration of Ministers.	180
161	To Foreign Office ...	—	May 18	States, in reply to No. 159, that in view of the opinion expressed by the Foreign Office in 1908 that Austria and Japan were the only countries entitled to most-favoured-nation treatment in Canada as regards the coasting trade, Mr. Harcourt has not felt himself in a position to do more than communicate to the Canadian Government a copy of the Danish memorandum.	130



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
162	Foreign Office ...	—	July 23	Explains the circumstances under which the Foreign Office view on the subject of the treaty position of certain foreign countries with regard to the coasting trade has changed since 1908; regrets that this change of view has not previously been communicated to the Colonial Office; encloses a memorandum representing the Foreign Office views, which it is hoped will be communicated to the Canadian Government; recommends that Canada should open her coasting trade to Denmark, but not, at present, to Venezuela and Argentina; observes that it can be argued with some show of reason that His Majesty's Government are entitled to most-favoured-nation treatment in the Russian coasting trade.	131
163	To Foreign Office ...	—	August 20	Transmits, in reply to No. 162, a draft of a proposed despatch to the Governor-General of Canada; and points out that no reference is made to the treaty position of Denmark, Argentina, Venezuela, Russia, or Morocco.	137
164	The Governor-General	Canada 489	August 21 (Rec. Aug. 31.)	Transmits copies of an Order in Council repealing the Order of the 16th December, and admitting Norwegian Swedish, Danish, and Japanese ships to the coasting trade of Canada.	138
165	To Foreign Office ...	—	September 8	Transmits a copy of No. 164; expresses the opinion that the effect of the war has been to terminate, and not merely suspend, the Treaty of Navigation with Austria-Hungary, but that, in view of the action already taken by the Canadian Government, it does not appear necessary to make any special reference to the point when communicating with that Government, and encloses an amended draft despatch to the Governor-General.	138
166	Foreign Office ...	—	September 30	Concurs in the terms of the amended draft despatch to Canada enclosed in No. 165.	139
167	To the Governor-General	Canada 773	October 7	Expresses satisfaction at the decision to admit Danish ships to the coasting trade; states that His Majesty's Government have now come to the conclusion that, with respect to the inclusion of coasting trade in its provisions, each treaty of commerce and navigation must be examined on its merits; adds that an examination of the existing treaties applicable to Canada leads to the opinion that, in addition to Japan, Liberia and Muscat are entitled to participate in the coasting trade, but that it would appear unnecessary for Ministers to take any action.	139
168	To Board of Trade...	—	October 9	Transmits copies of Nos. 159-62 and 164-7.	140

## RESOLUTION XIX: COMMERCIAL TREATIES.

## (b) SEPARATE VOTING OF THE DOMINIONS AT INTERNATIONAL CONFERENCES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
<b>(1) Conference on Maritime Conventions.</b>					
169	The Governor ...	Newfoundland 78	April 1 (Rec. April 24.)	States that Ministers have no objections to offer to the draft Conventions for the unification of maritime law with regard to the limitation of ship-owners' liability and maritime mortgages and liens; and that they do not desire to be directly represented at the next conference.	140
170	The Governor-General	Union of South Africa 209	April 11 (Rec. April 28.)	Transmits minute from Ministers regretting that it is not possible for them to express concurrence at present in the draft Conventions owing to the necessity for special legislation, and suggesting that the Imperial Government should exercise their power of not applying the Conventions to the Union; when it is possible to pass the necessary legislation special notification could be given to the Belgian Government.	141
171	The Governor ...	New Zealand 96	May 22 (Rec. June 29.)	States that his Government concur in the draft Conventions and consider that it is not necessary for the Dominion to be represented at the International Conference.	141
<b>(11) Conference for the purpose of drawing up Conventions for the protection of Juvenile and Female Labour.</b>					
172	The Governor-General	Union of South Africa 903	Dec. 23, 1913 (Rec. Jan. 13, 1914.)	Transmits a copy of a minute from Ministers stating that, if possible, arrangements will be made for an officer of the Department of Mines and Industries to represent the Union at the proposed International Conference, for the purpose of drawing up conventions relating to the prohibition of night work by young workers and the limitation of the hours of work of women and young workers.	142
173	Ditto ...	Australia 2	January 8 (Rec. Feb. 14.)	States that the Commonwealth Government would appreciate an opportunity of being represented at the proposed International Conference.	143
174	The Governor ...	Newfoundland 28	February 17 (Rec. March 9.)	States that Ministers do not desire direct representation at the International Conference on Juvenile and Female Labour, nor have they any particular point to raise.	143
175	To the Governor-General and Governor	Canada 208, Australia 164, Union of South Africa 131, New Zealand 121	March 20	States that the Swiss Government have extended an invitation to be represented at the Conference to the self-governing Dominions, and requests to know in due course names of delegates that may be selected.	144



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
176	The Governor ...	New Zealand 32	March 4 (Rec. April 11.)	States that the New Zealand law makes provision in the matters with which the International Conference is to deal, but, if a representative of His Majesty's Government is to be present, the New Zealand Government would be pleased if he would represent New Zealand also.	144
177	The Governor-General	Union of South Africa 241	April 25 (Rec. May 12.)	Encloses minute from Ministers stating that they do not propose to send a delegate to the International Conference.	145
178	Ditto ...	Australia 188	June 16 (Rec. July 20.)	Reports that the Commonwealth delegate to the Conference will be Dr. Ernst Carroll.	145
179	The Governor ...	New Zealand 102	June 15 (Rec. Aug. 1.)	Reports that his Government do not propose to be represented at the Conference, as the New Zealand law makes adequate provision in the matter, but they would be glad to receive a copy of the report of the Conference.	145
180	The Governor-General	Canada Telegram	August 26 (Rec. Aug. 26.)	States that the Canadian Government do not consider it desirable to take part in the Conference.	146

## 10.

## RESOLUTION XXI: MAIL COMMUNICATION.

<b>1913</b>					
181	The Chairman, Dominions Royal Commission	Telegram	(Rec. June 5.)	Requests opportunity of submitting views to Postmaster-General before renewal of Australian mail subsidy on lines of present contract.	147
182	General Post Office...	—	November 26	Transmits copy of letter to India Office concerning arrangements to be made for the Eastern Mail Service after determination of extended contract, and inquires whether Australia and New Zealand should be represented at the discussion of forms of tender.	147
183	To the Dominions Royal Commission	—	December 11	Transmits copy of No. 182, and inquires what representations the Royal Commissioners wish to make on the subject.	148
<b>1914</b>					
184	The Dominions Royal Commission	—	January 6	Submits views of the Royal Commissioners.	148
185	To General Post Office and Board of Trade	—	January 20	Transmits, for observations, copy of No. 184.	149
186	Board of Trade ...	—	February 11	States that the matter appears to be primarily one for the Postmaster-General, and requests to be furnished with a copy of any communication received from the Post Office.	150
187	To General Post Office	—	February 19	Transmits, for remarks, copy of No. 186.	150

<b>1914</b>					
188	General Post Office...	—	March 25	Transmits copy of a letter to the Treasury stating the circumstances in which the present contract has been extended for twelve months.	150
189	To General Post Office	—	March 31	Acknowledges receipt of No. 188, and refers, in reply, to Nos. 185 and 187; inquires when the observations of the Postmaster-General on the views expressed by the Dominions Royal Commission may be expected.	152
190	General Post Office...	—	April 3	Furnishes observations on views expressed by the Dominions Royal Commission with regard to the Australasian Mail Service, which views the Postmaster-General is unable to endorse.	152
191	To Dominions Royal Commission	—	April 18	Transmits copy of No. 190.	157
192	General Post Office...	—	October 14	Reports that the Treasury agree to proposals which involve the prolongation of the present contract for the conveyance of the Eastern and Australian Mails to at least the end of January, 1917; transmits, with remarks, forms of tender for new services, and requests observations.	157
193	To the Governor-General	Australia Confidential (2)	October 23	Transmits copy of No. 192.	159



## FURTHER CORRESPONDENCE

RELATING TO THE

# IMPERIAL CONFERENCE.

1.

### RESOLUTION I: CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

That this Conference after hearing the Secretary of State for Foreign Affairs cordially welcomes the proposals of the Imperial Government, viz.: (a) that the Dominions shall be afforded an opportunity of consultation when framing the instructions to be given to British delegates at future meetings of the Hague Conference, and that Conventions affecting the Dominions provisionally assented to at that Conference shall be circulated among the Dominion Governments for their consideration before any such Convention is signed; (b) that a similar procedure where time and opportunity and the subject matter permit shall, as far as possible, be used when preparing instructions for the negotiations of other International Agreements affecting the Dominions.

#### (a) United States Peace Commission.

2415

No. 1.

#### FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20th January, 1914.)

SIR,

Foreign Office, 20th January, 1914.

WITH reference to the letter from this Office of the 29th September, 1913,\* Sir C. Spring Rice, No. 262, 27th December. I am directed by Secretary Sir Edward Grey to transmit to you copies of correspondence with His Majesty's Ambassador at Washington relative to the proposal of the United States Government for the establishment of Peace Commissions.

Sir E. Grey leaves it to Mr. Harcourt to make such communication to the Canadian Government on the subject of this correspondence as he may consider desirable.

I am, &c.,

RALPH PAGET.

Enclosure 1 in No. 1.

SIR C. SPRING-RICE to SIR EDWARD GREY.

(No. 262.)

SIR,

Washington, 27th December, 1913.

I HAVE the honour to enclose a copy of a note from the United States Secretary of State with regard to the establishment of International Commissions of inquiry for the investigation of matters in dispute between the United States and foreign countries. Copies of the treaty† signed with the Netherlands on the 18th instant are also enclosed herein. The treaty with Salvador was forwarded to you in my despatch No. 200 of the 1st September.

The Secretary of State points out certain features in the treaty with the Netherlands which make it distinct from the earlier agreements, the most noticeable being the omission of any clause relating to the military or naval position of the contracting parties, and he goes on to express the hope that the terms of a treaty of the same kind may speedily be agreed upon with Great Britain.

\* 33833: not printed.

† Not printed.

‡ See Annexure to No. 10.



## RESOLUTION 1. (a)—UNITED STATES PEACE COMMISSION.

I am acknowledging the receipt of Mr. Bryan's note, and informing him that I am forwarding it to you for the consideration of His Majesty's Government.

I understand that a similar note and request was addressed by Mr. Bryan to the other foreign representatives here.

The French Ambassador told Mr. Barclay that he considered the proposal had good points, notably the undertaking not to declare war or begin hostilities during the investigation of the International Commission, and before the report was submitted (Article 1), for, so far as France and Great Britain were concerned, both were vulnerable on this side of the Atlantic whilst the United States were not so in Europe, and consequently such a treaty would be more to our advantage than to that of the United States. M. Jusserand, however, does not approve of the establishment of a permanent tribunal, the members of which, though impartial now, might, say, in ten years time, have acquired such fixed views on the question then at issue that the result of the investigation would be vitiated from the start. His Excellency said that he would recommend a treaty on the lines suggested, with suitable amendments, to the favourable consideration of the French Government, but that, in view of the treatment accorded in the past to arbitration treaties in this country, he would not urge coming to a speedy agreement. He added that such a treaty, though practicable between the United States and European States, would be impossible between European States.

I have, &c.,  
CECIL SPRING-RICE.

MR. BRYAN TO SIR C. SPRING-RICE.

EXCELLENCY,

Washington, 18th December, 1913.

I HAVE the honour to enclose a copy of the treaty just signed with the Government of the Netherlands, together with a copy of the treaty with Salvador. You will, in comparing the two treaties, notice that the most important difference is that the Netherlands treaty leaves out entirely all reference to military and naval status. In the five other treaties made the section of the Salvador treaty relating to the military status has been reproduced; but this Government has been at all times ready to omit that section or to change the language of it to suit the contracting nations. Two minor changes are: first, one requiring the contracting parties to furnish all the necessary facts in case of investigation; and, second, one requiring that the fifth member of the Commission to be selected by the two contracting nations shall not be a citizen of either nation.

The copies of these two treaties are sent you for transmission to your Government in the hope that we may speedily reach an agreement in regard to the details of the plan and upon the terms of the treaty.

The President, in his recent message, expressed gratification that thirty-one nations have accepted the principle of the peace plan. These nations comprise more than three-fourths of the population of the world.

I have, &c.,  
W. J. BRYAN.

Enclosure 2 in No. 1.

SIR C. SPRING-RICE TO SIR EDWARD GREY.

Washington, 12th January, 1914.

(No. 4.) R.

PEACE COMMISSIONS.

The Secretary of State expressed the hope that you would see your way to begin negotiations. I pointed out the Parliamentary difficulties, and that, until Arbitration treaty was [?] renewed, unpleasant observations would be made in Parliament, which would be published here, as we have no [group undecipherable] session like the Senate. He suggested that you could have the treaty ready for the moment when other difficulties would be removed, of which he was hopeful. Tendency amongst my colleagues seems to be, on the whole, not unfavourable to negotiation under conditions of absolute reciprocity on the basis of the Netherlands treaty.

I see no objection to platonic negotiations, if it is clearly understood that the treaty will not be submitted to Parliament until conditions are favourable.

## RESOLUTION 1. (a)—UNITED STATES PEACE COMMISSION.

Enclosure 3 in No. 1.

PARAPHRASE OF TELEGRAM TO SIR C. SPRING-RICE (WASHINGTON).

(No. 4.)

Foreign Office, 15th January, 1914.

I HAVE received your despatch No. 262, of 27th December last, and your telegram No. 4, of the 12th instant, respecting Peace Commissions.

Your Excellency may inform the Secretary of State that I am personally inclined to begin negotiations on the basis of the Netherlands treaty, and that if I receive assurances on one essential point I will immediately consult the Cabinet with this object.

The following is the point in question:—It must be made quite clear that any dispute which may arise, after the final ratification of this treaty by the Senate, which does not permit of settlement by other means, will be laid before the International Commission without the sanction of the Senate being required for this step. Otherwise the obligation under the treaty would be one-sided, i.e., it would in each separate case arising under the treaty be binding upon His Majesty's Government, while the United States Government might, if the Senate withheld their consent, find themselves unable to comply with the stipulations of the treaty. I therefore consider it essential that this point should be cleared up.

2415

No. 2.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)  
(Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)  
(Confidential.)

[SIR,]

[MY LORD,]

Downing Street, 24th January, 1914.

I HAVE the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, the accompanying copy of a note\* from the United States Secretary of State to His Majesty's Ambassador at Washington, forwarding copies of treaties between the United States and the Netherlands and Salvador for the establishment of Peace Commissions.

2. I also enclose copy of a memorandum on the subject which had previously been communicated by Mr. Bryan to His Majesty's Ambassador.

3. His Majesty's Government have still under consideration the proposals made by Mr. Bryan, and I will communicate with you further on the subject.

I have, &c.,  
L. HARCOURT.

Enclosure 2 in No. 2.

MEMORANDUM COMMUNICATED BY MR. BRYAN.

IN the peace plan proposed by the President to all the nations, the composition of the International Commission is left to agreement between the parties, and I am authorized to suggest, for the consideration of those who are willing to enter into this agreement—

1. That the International Commission be of five members, to be composed as follows: One member from each of the contracting countries, to be chosen by the Government; one member to be chosen by each of the contracting countries from some other country, and the fifth member of the commission to be agreed upon by the two Governments; the commission to be appointed as soon as convenient after the making of the treaty; vacancies to be filled according to the original appointment.

2. The time also is to be agreed upon, and it is suggested that that time be one year. If a year is considered too long or too short, this Government will consider either a greater or a less period.

\* See enclosure 1 in No. 1.



3. This Government is prepared to consider the question of maintaining the *status quo* as to military and naval preparation during the period of investigation, if the contracting nation desires to include this, and this Government suggests, tentatively, that the parties agree that there shall be no change in the military and naval programme during the period of investigation, unless danger to one of the contracting parties from a third Power compels a change in said programme, in which case the party feeling itself menaced by a third Power shall confidentially communicate the matter in writing to the other contracting party, and it shall thereupon be released from the obligation not to change its military or naval programme, and this release will at the same time operate as a release of the other contracting party. This protects each party from the other in ordinary cases, and yet provides freedom of action in emergencies.

All of these suggestions, however, are presented for consideration, and not with the intention of imposing any fixed conditions. The principle of investigation being accepted, the details are matters for conference and consideration.

3330

No. 3.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Sent 6.55 p.m., 17th February, 1914.)

TELEGRAM.

[Copy to Foreign Office, 19th February, 1914. L.F.]

(Canada.)  
(Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

CONFIDENTIAL. United States Government have made proposals to His Majesty's Government for treaty on lines of those concluded with Netherlands, Salvador, and other Central American Powers. The principle of these treaties is that all disputes of any kind between contracting parties to the settlement of which previous Arbitration Agreements do not apply in their terms or are not applied in fact shall, on failure of diplomatic methods of adjustment, be referred for investigation and report to permanent International Commission, and contracting parties agree not to declare war or begin hostilities during such investigation and before report is submitted.

International Commission shall be composed of five members, two selected by each party, of whom one must be from third country, and fifth by common agreement. International Commission must report within year unless time extended by mutual consent. Contracting parties reserve right to act independently after report of Commission shall be submitted. Text of treaties was enclosed in my despatch of 24th January.\*

His Majesty's Government are prepared to enter into negotiations for such a treaty, provided that, prior to ratification, the Arbitration Treaty with United States of America, which has lapsed through refusal of Senate hitherto to renew it, is renewed, and I shall be glad to learn that your Government concur in step proposed. The treaty, if concluded, will, of course, apply to all disputes, including those affecting the self-governing Dominions.

United States Government has assured His Majesty's Ambassador at Washington that it is intended, when once the treaty has been ratified, that each case arising under it should be referred to the Commission without intervention of Senate, and His Majesty's Government would propose not to ratify the treaty unless this is quite clear.—HARCOURT.

\* No. 2.

8218

No. 4.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 8.55 a.m., 5th March, 1914.)

TELEGRAM.

[Copy to Foreign Office, 7th March, 1914. L.F.]

CONFIDENTIAL. Your telegram 17th February.\* My Government approve of step proposed to be taken by His Majesty's Government with regard to treaty with United States.—LIVERPOOL.

8308

No. 5.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.15 p.m., 5th March, 1914.)

TELEGRAM.

[Copy to Foreign Office, 7th March, 1914. L.F.]

CONFIDENTIAL. Your telegram 17th February, Confidential.\* Peace Commissions. Ministers concur in steps proposed to be taken by His Majesty's Government. GLADSTONE.

8440

No. 6.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 4.38 p.m., 6th March, 1914.)

TELEGRAM.

[Copy to Foreign Office, 9th March, 1914. L.F.]

YOUR telegram 17th February,\* concerning treaty with the United States. My Ministers concur in step proposed.—DAVIDSON.

9649

No. 7.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th March, 1914.)

(No. 123.)

SIR,

Government House, Ottawa, 4th March, 1914.

WITH reference to your telegram of the 17th February, 1914,\* on the subject of a proposal made to His Majesty's Government by the Government of the United States, providing for the reference to a permanent International Commission, to be constituted under a proposed treaty, of all disputes between the high contracting parties which diplomatic methods have failed to settle, I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada, setting forth the views of my responsible advisers.

I am sending a copy of this despatch to His Majesty's Ambassador at Washington, for his information.

I have, &c.,

ARTHUR.

\* No. 3.



Enclosure in No. 7.

(P.C. 562.)

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 28TH FEBRUARY, 1914.

THE Committee of the Privy Council have had before them a report, dated 23rd February, 1914, from the Right Honourable the Secretary of State for External Affairs, stating that he has had under consideration a telegraphic despatch to Your Royal Highness from the Right Honourable the Principal Secretary of State for the Colonies, dated 17th February, 1914, conveying information of a proposal made to His Majesty's Government by the Government of the United States for the conclusion of a treaty providing for the reference, for investigation and report, to a permanent International Commission to be constituted under such treaty, of all disputes between the high contracting parties which diplomatic methods have failed to settle, and for the postponement of any declaration of war or the beginning of hostilities arising out of any particular dispute until the Commission's report on that particular dispute shall have been received. The right to act independently after the report of the Commission has been submitted is reserved by the high contracting parties. It is intimated by Mr. Harcourt that His Majesty's Government is prepared to enter into negotiations for the proposed treaty, provided that prior to its ratification the General Arbitration Treaty of 1908 with the United States, which expired in April, and the renewal of which the United States Senate has so far declined to sanction, be renewed; and as the treaty would apply to disputes affecting the self-governing Dominions, he desires to learn whether Your Royal Highness's Government would concur in the proposed step.

The Right Honourable the Secretary of State for External Affairs submits that from the terms of Mr. Harcourt's telegram, by which it appears that the procedure provided by the treaty is to be brought into operation only "on failure of diplomatic methods," and from the stipulation contained in the similar treaty already concluded with the Netherlands, referred to in such telegram, making it applicable to disputes "to the settlement of which previous Arbitration Treaties or Agreements did not apply," he infers that there is no intention to supersede or interfere with existing agreements with the United States which provide means for the settlement of disputes between that country and Canada, as examples of which he mentions the Boundary Waters Treaty of 1909, the Agreement respecting the North Atlantic Fisheries of 1912, the arrangements under the Boundary Demarcation Treaty respecting the location of the international boundary, and that concerning the St. John River.

The Right Honourable the Secretary of State for External Affairs further submits that, provided this inference is correct and it is made clear that such existing arrangements would not be interfered with, he can see no objection to the proposed negotiations, and he recommends that Mr. Harcourt be informed that, with this proviso, Your Royal Highness's advisers concur in their initiation.

The Committee of the Privy Council, concurring in the views of the Right Honourable the Secretary of State for External Affairs, recommend that Your Royal Highness may be pleased to inform the Right Honourable the Principal Secretary of State for the Colonies in the sense of this minute.

All which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

COLONIAL OFFICE NOTE.—An article inserted in the draft treaty (see No. 10) referred specifically to the Boundary Waters Treaty of 1909 (Treaty Series, No. 23 of 1909). As regards the other arrangements referred to in the above report—

(a) The North Atlantic Fisheries Agreement of 1912 (Treaty Series, No. 22 of 1912) provides for the reference to an expert tribunal of any difference which may arise, after the lapse of ten years, as to whether the dates fixed for promulgation of fishery laws or regulations should be revised. (Article I. (1).)

The agreement also entitles the United States Government to refer the question of the reasonableness of any laws or regulations to the Permanent Mixed Fishery Commission, but does not require that any difference on such a matter should be disposed of in that manner. (Article I. (2).)

(b) The International Boundary Demarcation Treaty (Treaty Series, No. 18 of 1908) provides that differences which may arise under Articles I. and II. are to be settled by arbitration. No means is provided for settling differences which may arise between the Commissioners under the other Articles except diplomacy. (See Article IX.)

(c) The arrangement concerning the St. John River is not regulated by any formal instrument.

11275

No. 8.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.19 a.m., 27th March, 1914.)

TELEGRAM.

Your telegram of 17th February\*: Peace Commission. Government of Commonwealth of Australia cordially concur in proposed action.—DENMAN.

11577

No. 9.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office, 9th April, 1914. L.F.]

(Canada.)  
(Australia.)  
(Union of South Africa.)  
(New Zealand.)  
(Newfoundland.)

(Confidential.)

[SIR,] [MY LORD,]

Downing Street, 8th April, 1914.

WITH reference to

[Your Royal Highness's despatch No. 123, of the 4th March,†]  
[Your Excellency's telegram of the 27th March,‡]  
[Your Excellency's Confidential despatch of the 7th March,§]  
[Your Excellency's telegram of the 5th March,||]  
[Mr. Davidson's telegram of the 6th March,¶]

I have the honour to request you to inform your Ministers that His Majesty's Government learn from His Majesty's Ambassador at Washington that treaties for the institution of International Peace Commissions have now been concluded by the United States with the following countries:—Salvador, Honduras, Guatemala, Panama, Nicaragua, the Netherlands, Portugal, Bolivia, Costa Rica, Denmark, Switzerland, Dominica, Persia.

2. The treaties with Honduras, Guatemala, Panama, and Nicaragua are in similar terms to those of the treaty with Salvador, a copy of which accompanied my Confidential despatch of the 24th January.\*\* The treaty with Portugal is in similar terms to that with the Netherlands, a copy of which was enclosed in the same despatch. The treaty with the Dominican Republic provides, first, in the usual terms, for reference to arbitration of differences of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and, secondly, for reference to a Commission of all disputes of every nature whatsoever which diplomacy shall have failed to settle or refer to the permanent Court at The Hague. It is stipulated that the Commission may "act on its own initiative." Power is also given to either party to remove at any time, before an investigation commences, any one of its Commissioners, and to withdraw its approval of the fifth Commissioner selected jointly. The treaty with Denmark provides for reference

\* No. 3. † No. 7. ‡ No. 8. § 10980: not printed. || No. 4. ¶ No. 6. \*\* No. 2.



to the International Commission of any dispute which diplomacy has failed to adjust. In this case, again, the Commission is empowered to "act on its own initiative." On the receipt of the report of the Commission the High Contracting Parties undertake to adjust the dispute directly between them upon the basis of the Commission's findings, and if, after the lapse of a year, beginning with the day of the receipt of the report by both parties, they shall have failed to reach a direct adjustment, or if within the year they shall concur in the opinion that such an adjustment is impossible, they shall at once proceed to submit the dispute to the Permanent Court of Arbitration at The Hague. A special agreement must be signed before submission to the Permanent Court, and the special agreement shall, on the part of the United States, be subject to the approval of the Senate.

3. The treaty with Switzerland provides for the reference to a Commission of all disputes which cannot be adjusted through diplomatic methods, or are not submitted to arbitration, and contains a similar stipulation to that in the treaty with the Dominican Republic as to the removal of Commissioners. The treaties with Bolivia and Costa Rica also contain a similar stipulation, but in other respects accord generally with that with the Netherlands. The text of the treaty with Persia is not yet available.

I have, &c.,  
L. HARCOURT.

33750

No. 10.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Sent 7.40 p.m., 4th September, 1914.)

TELEGRAM.

[Copy to Foreign Office, 14th September, 1914. L.F.]

(Canada.)  
(Australia.)  
(Union of South Africa.)  
(New Zealand.)  
(Newfoundland.)  
(Paraphrase.)

PLEASE inform your Ministers, with reference to

[Your despatch 4th March, No. 123,\*]  
[Your telegram of 27th March,†]  
[Your Confidential despatch of 7th March,‡]  
[Your telegram of 5th March,§]  
[Your telegram of 6th March,||]

that the negotiations with the United States Government for the establishment of Peace Commission have resulted in the preparation of a draft treaty, which appears to His Majesty's Government to be quite satisfactory. The terms of the draft treaty follow the Netherlands Treaty, copies of which were enclosed in my Confidential despatch 24th January,¶ with the following modifications,\*\* which represent (in the opinion of His Majesty's Government) considerable improvement:—

In Article one, for the words beginning "to the settlement" and ending "applied in fact" the words "other than disputes the settlement of which is provided for and, in fact, achieved under existing agreements between the High Contracting Parties" are substituted.

In Article three, after word "spontaneously" in first paragraph, words "by unanimous agreement" are inserted.

After first paragraph is inserted a new paragraph, viz.:—

"In the event of its appearing to His Majesty's Government that the British interests affected by the dispute to be investigated are not mainly those of the United Kingdom, but are mainly those of some one or more of the self-governing Dominions, namely the Dominion of Canada, the Commonwealth

\* No. 7. † No. 8. ‡ 10980: not printed. § No. 4. || No. 6. ¶ No. 2.

\*\* See note on pages 9-10.

of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, His Majesty's Government shall be at liberty to substitute as the member chosen by them to serve on the International Commission for such investigation and report another person to be selected from a list of persons to be named one for each of the self-governing Dominions: but only one shall act, namely, that one who represents the Dominion immediately interested."

After Article three a new Article is added, as follows:—

"This treaty shall not affect in any way the provisions of the treaty of the 11th January, 1909, relating to questions arising between the United States and the Dominion of Canada."

It has now been made, in our opinion, quite clear as regards question of position of Senate mentioned in my telegram of 17th February,\* that Commission will be able to act without the intervention of the Senate. This has been done by a statement made by the United States Secretary of State, on 15th July, to Foreign Relations Committee of the Senate, when informing that body that President would shortly present Peace Commission Treaties with some twenty countries to Senate for ratification. This statement contained the following passage:—

"Attention is called to the fact that these treaties contemplate the submission of disputes to investigation without further authority from the Senate. In the case of arbitration each case must be submitted to the Senate for its approval, even though it is a case which the parties agree in the treaty shall be submitted to arbitration. As arbitration binds the parties to an acceptance of the award, it is necessary under the Constitution that the agreement providing for arbitration shall have the approval of the Senate. Investigation, however, differs from arbitration in that it involves no agreement to abide by the decision; it is purely a diplomatic examination into the controversy, and can be undertaken at any time at the request of either nation whenever other diplomatic means fail to bring about a settlement of the dispute."

The statement has been communicated officially to His Majesty's Chargé d'Affaires at Washington by the United States Secretary of State and by United States Ambassador to Secretary of State for Foreign Affairs, and eighteen treaties have been ratified by Senate without objection since it was made. In these circumstances, having regard to the fact that all self-governing Dominions have concurred in basis of negotiations and that modifications since made raise no question of principle, His Majesty's Ambassador at Washington is being instructed by His Majesty's Government to sign treaty forthwith with a view to its early ratification.  
—HARCOURT.

SECRETARIAT NOTE: The following is the text of the Treaty between the United States and the Netherlands Governments, with the modifications indicated in the above telegram shown in square brackets:—

#### TREATY BETWEEN THE UNITED STATES AND THE NETHERLANDS.

THE President of the United States of America and Her Majesty the Queen of the Netherlands, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:—

The President of the United States: The Honourable William Jennings Bryan, Secretary of State; and

Her Majesty the Queen of the Netherlands: Chevalier W. L. F. C. van Rappard, Envoy Extraordinary and Minister Plenipotentiary of the Netherlands to the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:—

\* No. 3.



## Article 1.

The High Contracting Parties agree that all disputes between them, of every nature whatsoever to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, [other than disputes the settlement of which is provided for and, in fact, achieved under existing agreements between the High Contracting Parties,] shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a Permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

## Article 2.

The International Commission shall be composed of five members, to be appointed as follows:—

One member shall be chosen from each country by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country.

The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of the ratifications of this treaty, and vacancies shall be filled according to the manner of the original appointment.

## Article 3.

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously, [by unanimous agreement,] offer its services to that effect, and in such case it shall notify both Governments and request their co-operation in the investigation.

[In the event of its appearing to His Majesty's Government that the British interests affected by the dispute to be investigated are not mainly those of the United Kingdom, but are mainly those of some one or more of the self-governing Dominions, namely, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, His Majesty's Government shall be at liberty to substitute as the member chosen by them to serve on the International Commission for such investigation and report another person selected from a list of persons to be named, one for each of the self-governing Dominions, but only one shall act—namely, that one who represents the Dominion immediately interested.]

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject-matter of the dispute after the report of the Commission shall have been submitted.

## [Article 4.]

This treaty shall not affect in any way the provisions of the Treaty of the 11th January, 1909, relating to questions arising between the United States and the Dominion of Canada.]

33750

No. 11.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office, 14th September, 1914. L.F.]

(Canada.)  
(Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

(Confidential.)

[SIR,]  
[MY LORD,]

Downing Street, 8th September, 1914.

IN confirmation of my telegram of the 4th instant,\* I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, copies of the draft Treaty† with the United States of America for the establishment of a Peace Commission, together with copies of the statement‡ made by the United States Secretary of State to the Foreign Relations Committee of the Senate on the 15th July.

I have, &c.,

L. HARCOURT.

35728

No. 12.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Sent 1.20 p.m., 19th September, 1914.)

TELEGRAM.

(Canada.)  
(Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

19TH SEPTEMBER. My cipher telegram of 4th September.\* Peace Commission Treaty with United States signed 16th September.—HARCOURT.

40813

No. 13.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 21st October, 1914.)

(Confidential.)

SIR,

Wellington, 16th September, 1914.

WITH reference to your telegram of the 4th September,\* relative to a draft treaty with the United States regarding the establishment of a Peace Commission, I have the honour to transmit to you the accompanying copy of a memorandum addressed to me by the Prime Minister, containing his observations on the subject.

I have, &c.,

LIVERPOOL,

Governor.

\* No. 10. † See note on pages 9-10. ‡ Not printed.



Enclosure in No. 13.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

(Confidential.)

Prime Minister's Office, Wellington, 14th September, 1914.

THE Prime Minister presents his respectful compliments to His Excellency the Governor, and, with respect to the telegram from the Secretary of State for the Colonies to His Excellency, dated 4th September, 1914, relating to a Peace Commission for settlement of disputes between His Majesty's Government and that of the United States, begs to inform his Excellency:—

1. That the New Zealand Government repeats its concurrence, expressed in Your Excellency's telegram of the 5th March last to the Secretary of State, in the previous action of the Imperial Government.
2. That in respect of the variations in the treaty set forth in the telegram of the 4th September, from the Secretary of State, including the requirement of approval of the American Senate to each arbitration, the New Zealand Government is entirely satisfied to accept the decision of the Imperial Government.
3. That it does not appear necessary to reply by telegram to the Secretary of State in this instance, as the telegram from the Secretary of State informs Your Excellency that the Imperial Government proposed to direct the Ambassador at Washington forthwith to sign the treaty.

W. F. MASSEY.

51108

No. 14.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 1026.)  
(Australia. No. 781.)  
(New Zealand. No. 597.)  
(Union of South Africa. No. 706.)  
(Newfoundland. No. 483.)

[SIR,] [MY LORD,]

Downing Street, 24th December, 1914.

WITH reference to my telegram of the 19th September,\* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of the Peace Commission Treaty† with the United States.

I have, &amp;c.,

L. HARCOURT.

(b) Second Peace Conference (Convention) Bill.

13125

No. 15.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office, 6th June, 1914. L.F.]

(Canada. No. 279.)  
(Australia. No. 229.)  
(New Zealand. No. 165.)  
(Union of South Africa. No. 171.)  
(Newfoundland. No. 127.)

[SIR,] [MY LORD,]

Downing Street, 17th April, 1914.

WITH reference to [my despatch‡ No. [992,] [262,] of the 22nd December, 1911,] [my despatch‡ No. [210,] [289,] [135,] of the 29th June, 1911,] I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of a Bill§ which has been reintroduced into the Imperial Parliament, entitled "A Bill to make such amendments in the Law with respect to International Tribunals, Neutrality, and other matters as are necessary to enable certain Conventions to be carried into effect," together with copies of an explanatory memorandum.¶

I have, &amp;c.,

L. HARCOURT.

\* No. 12. † Treaty Series, No. 16 of 1914 [Cd. 7714]. ‡ 40199/11: not printed. § Not reprinted.

28281

No. 16.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 3rd August, 1914.)

[Copy to Foreign Office, 15th August, 1914.]

(No. 424.)

SIR,

Government House, Ottawa, 24th July, 1914.

WITH reference to your despatch of the 17th April last,\* transmitting copies of a Bill entitled "An Act to make such Amendments in the Law with respect to International Tribunals," etc., together with copies of an explanatory memorandum, I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada, setting forth the views of my responsible advisers.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 16.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 13TH JULY, 1914.

(P.C. 1867.)

THE Committee of the Privy Council have had before them a report, dated 10th July, 1914, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a despatch from the Right Honourable the Secretary of State for the Colonies, dated 17th April, 1914, transmitting copies of a Bill which has been reintroduced into the Imperial Parliament, entitled "A Bill to make such Amendments in the Law with respect to International Tribunals, Neutrality, and other matters as are necessary to enable certain Conventions to be carried into effect," together with copies of an explanatory memorandum.

The Minister observes that, in the view of the Minister of Justice, the project of this Bill, as affecting the self-governing Dominions, is one which calls for some representations in the interest of local autonomy.

The Bill is described by the opening paragraph of the explanatory memorandum as containing such provisions as are necessary to enable the Conventions drawn up at The Hague in 1907 (other than the Convention relative to the establishment of international prize courts) to be put in force.

Under the disposition of legislative authority made by the British North America Act, 1867, Section 132, "the Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any province thereof, as part of the British Empire, towards foreign countries arising under treaties between the Empire and such foreign countries."

With respect to the provisions of this Bill, the Minister of Justice does not perceive any reason why, in so far as they relate to Canada, they should not be considered as legislative measures appropriate to the Parliament of Canada in the execution of its powers under the British North America Act, 1867.

By the Bill now under consideration it is provided that orders issued by a Secretary of State, under Sub-Section 1 of Section 1, shall have the like effect as if the proceedings before the international tribunal were an action in the court, and the order were a formal process issued by the court in the due exercise of its jurisdiction, and shall be enforceable by the court accordingly, disobedience to any such order being made punishable as contempt of court. The court here spoken of is defined, by Sub-Section 3 of Section 1, to include, in any place to which the Act extends outside of England, Scotland, and Ireland, a superior court of that place; and by Sub-Section 4 the powers conferred upon a Secretary of State may be exercised by him in any place to which the Act extends, and may also be exercised by certain other officers, including, for the Dominion of Canada, the Governor-

\* No. 15.



General or any person who for the time being has the powers of the Governor-General. It is thus intended to confer by Imperial enactment an additional jurisdiction upon the Superior Courts of Canada affecting the rights and liberties of the subject, and imposing upon Canadians the obligation to comply with the requirements of such orders under pain of attachment by the local courts. These provisions, so far as they relate to Canadian jurisdiction and proceedings and the effect within Canada of the orders provided for, may certainly be sanctioned by local legislation.

Sub-Section 2 of Section 1 confers the privileges of ambassadors upon the members of an international tribunal not British subjects, whilst residing or travelling in any part of His Majesty's dominions, for the purpose of the performance of their duties. Such legislation, as affecting that part of His Majesty's dominions which is comprised in the Dominion of Canada, is competent to the Parliament of Canada as relating to aliens, or in the exercise of the powers conferred by Section 132 of the British North America Act, 1867, if necessary or proper for performing treaty obligations within Canada.

In like manner the power to make regulations conferred by Section 2 may properly be authorized for Canada under the constitutional powers of the Dominion Parliament, and it is no doubt likewise competent to the same Parliament to sanction a penalty for contravention of the regulations equivalent to that which is provided by Sub-Section 2. Section 3, although general in its operation and amendatory of the Merchant Shipping Act, 1894, may be enacted for the territorial waters of Canada by the Parliament of Canada.

Section 4 imposes a duty upon the master of any British ship, and the Minister apprehends that it is not intended to apply in territorial waters.

The Minister of Justice realizes, of course, that, notwithstanding the plenary powers of legislation conferred by the British North America Acts, the legislative authority of the Imperial Parliament remains undiminished; but he apprehends that it is constitutionally intended that all projects of legislation which can be made effective in Canada in the execution of local powers ought to be submitted for the consideration and sanction of the local legislative authority in which the power is vested, and this is so, not only because the power exists and may be locally executed, but also because Imperial legislation declared or intended to apply to Canada operates by force of the Colonial Laws Validity Act (28 and 29 Vic., cap. 62) to prevent the valid exercise of local powers of legislation in so far as a measure otherwise *intra vires* may be repugnant to the provisions of the Imperial Act or orders or regulations made thereunder.

It is, therefore, in the opinion of the Minister of Justice, not compatible with the constitution that the legislative authority of the Imperial Parliament should be independently exercised in a manner to affect the Dominion in relation to matters within the local powers.

The Minister of Justice does not recognize in the proposed enactments any provisions which are upon the merits objectionable; he apprehends that Your Royal Highness's advisers would be prepared to promote the necessary legislation to sanction within Canada those provisions which, as shown by the foregoing observations, may, in the view of the Minister of Justice, be adequately enforced by the exercise of Dominion powers, and he is of opinion that an opportunity should be afforded the Parliament of Canada to consider and enact these proposals.

For these reasons it is the view of Your Royal Highness's advisers that the Bill should not be extended to the Dominion of Canada, its clauses being, in so far as they relate to Canada, capable of local sanction.

The Right Honourable the Secretary of State for External Affairs may add that Your Excellency's Government will be pleased to introduce these clauses for enactment by the Parliament of Canada.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy of this minute, if approved, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

12823

No. 17.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 18.]

SIR,

Downing Street, 6th April, 1914.

I AM directed by Mr. Secretary Harcourt to state that his attention has been called to the answers returned by Mr. Acland to various questions recently asked in the House of Commons with regard to the next Hague Conference.

2. Mr. Harcourt observes from the answer given to Mr. Gordon Harvey on the 25th ultimo\* that a definite scheme for setting up a National Committee at an early date is under consideration. Mr. Harcourt gathers that it will be the duty of the National Committee to consider the programme arranged by the International Preparatory Committee and the instructions to be given to the British Delegates. In the course of the discussion on the Declaration of London which took place at the Imperial Conference of 1911, Sir E. Grey promised that the self-governing Dominions should be represented on the Committee to be set up for this purpose. Mr. Harcourt has no doubt that this promise is being carefully borne in mind.

3. Mr. Harcourt infers also from the answer returned to Mr. Barnes on the 30th ultimo\* that the list of subjects which His Majesty's Government intend to propose to the International Preparatory Committee for inclusion in the programme of the next Hague Conference has now been drawn up. Mr. Harcourt is of the opinion that it is necessary to the full discharge of the undertakings given at the Imperial Conference of 1911 that the Governments of the self-governing Dominions should be informed of the subjects which His Majesty's Government propose to have included in the programme for the next Hague Conference, and asked whether they have any observations to offer or whether there are any other subjects which they would wish to have discussed. Mr. Harcourt trusts that this opinion is shared by Sir E. Grey.

I am, &amp;c.,

HENRY LAMBERT.

13977

No. 18.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16th April, 1914.)

[Answered by No. 19.]

SIR,

Foreign Office, 15th April, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 6th instant,† and to transmit to you herewith, to be laid before the Secretary of State for the Colonies, a copy of a memorandum‡ recently circulated to the Cabinet containing proposals as to the formation of a British Preparatory Committee in view of the meeting of the Third International Peace Conference.

I am to call attention to the penultimate paragraph of the memorandum, in which suggestions are put forward as to the manner of fulfilling the pledge given to the representatives of the Self-Governing Dominions at the Imperial Conference of 1911.

I am, &amp;c.,

RALPH PAGET.

13977

No. 19.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 20.]

SIR,

Downing Street, 23rd April, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th instant,§ and to transmit to you the draft of a Circular

\* See 10408: not printed. † No. 17. ‡ Not reprinted. § No. 18.



despatch\* which he proposes, with the concurrence of Sir E. Grey, to address to the Governments of the Self-Governing Dominions, relative to the programme for the Third Hague Conference, and to the preparation of the instructions of the British delegates.

I am, &c.,  
HENRY LAMBERT.

18544

No. 20.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 21st May, 1914.)

[Answered by No. 21.]

Foreign Office, 18th May, 1914.

SIR,

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 13977/1914, of the 23rd ultimo,† enclosing the draft of a circular despatch which the Secretary of State for the Colonies proposes to address to the Governments of the self-governing Dominions, relative to the programme of the Third Peace Conference and the preparation of the instructions to the British delegates.

Sir E. Grey concurs generally in the terms of the draft, but he would suggest, for Mr. Secretary Harcourt's consideration, that paragraphs 2 and 7 should be amended as shown in the enclosed copy.‡

As regards paragraph 7, Sir E. Grey adheres to the view, expressed in the memorandum enclosed in the letter from this Department of the 15th ultimo,§ that it would be impracticable that special representatives of the Dominions should be appointed to attend all the meetings of the sections. He holds this view, both on the ground of the highly technical nature of the work which will devolve upon the various sections and of the necessity of restricting, so far as possible, the numbers of their respective members. He trusts, therefore, that the Secretary of State for the Colonies will regard the proposals made in the memorandum above referred to as offering a means of adequately fulfilling the pledge given to the self-governing Dominions. At the same time, he would, of course, be prepared to consider carefully any alternative suggestions which might commend themselves to Mr. Harcourt.

I am, &c.,  
RALPH PAGET.

Enclosure in No. 20.

(Confidential.)

MY LORD,

SIR,

Downing Street, April, 1914.

As [Your Royal Highness's] [Your Excellency's] [your] Ministers are aware, the Final Act of the Second Peace Conference held at The Hague in 1907, contained (*vide* pages 16 and 17 of [Cd. 4175]) a resolution recommending the assembly of the Third Peace Conference after an interval of eight years, that is, in 1915, and further suggesting that about two years before, an International Committee should meet to draw up the programme and settle the rules of procedure for the Conference.

2. A proposal has now been made by the United States Government to all the Powers, recommending the immediate formation of the International Committee in order that the Conference may meet in 1915. *It has been pointed out to the United States Government that, according to the resolution passed by the Second Peace Conference, and embodied by them in the Final Act, a period of at least two years is to elapse between the meeting of the preparatory International Committee and the assembly of the next Peace Conference, and that as such an International Committee has not as yet been constituted, the Third Peace Conference could not be convoked for 1915 without running counter to the deliberate decision of the Powers in 1907.* [Owing to the many difficult problems which have had to be dealt with within the last two years, His Majesty's Government in common with those of the other Great Powers have not been able to devote the necessary time and attention to the work of preparation for a large International Conference. It is, therefore, not possible that the Third Peace Conference can meet as early as 1915.]

3. It is to be presumed that the subjects which will be discussed by the Third Conference will include the subjects recommended by the Second Peace Conference itself as a legacy to its successor for further study and settlement. These are:—

1. Establishment of a fixed International Arbitration Court.
2. Regulations respecting the laws and usages of naval war.
3. Regulations respecting a permanent organization for the periodical assembly of International Peace Conferences.

The subjects which His Majesty's Government propose to raise are:—

4. Status of enemy subjects in belligerent territory (with special reference to Article 23 (4) of the regulations annexed to the Convention of 1907, respecting the Laws and Usages of War on Land).
5. Status of neutrals in belligerent territory.
6. Limits of territorial waters.
7. Regulations respecting the employment of airships and flying machines in war.
8. Assistance to wounded animals in time of war.

It is not possible yet to say what subjects other countries will propose, but it appears probable from the debates of the Institute of International Law that they will comprise the following:—

9. Conclusion of General Arbitration Treaty.
10. Extension of the Convention of 1907 respecting the opening of hostilities to all international measures of coercion (such as occupation, pacific blockade, etc.).
11. Regulations respecting the service of lighthouses in war.
12. Effect of Arbitral Judgments in respect to national authorities and jurisdiction.
13. Jurisdiction of national tribunals in respect to foreign States.
14. Diplomatic and consular privileges.

4. I shall be glad to learn, as soon as possible, whether your Ministers have any observations to offer on the list of questions (Nos. 4-8) which His Majesty's Government propose to raise, or whether there are any other questions not mentioned in the foregoing paragraph which they would wish to have included in the programme of the Conference.

5. His Majesty's Government have had under their consideration the question of the machinery to be set up for the proper study of the subjects to be discussed at the Conference. Experience has shown that it is essential that this should be such as to enable them to submit definite proposals worked out in detail and in the form of draft clauses of a Convention, and dealing with every subject to be discussed, and particularly with those in which British interests are involved.

6. It has been decided that this end will be best achieved by appointing a Sub-Committee of the Committee of Imperial Defence, which would sit in sections according to the subject matter under study. Thus, of the subjects mentioned in paragraph 3 of this despatch, one section would deal with Nos. 1, 3, 9, 12, and 14, which are primarily legal, another section would deal with subjects Nos. 2, 4, 5, 8, 10, and 11, which are in the main of naval or military interest. Special sections would deal with the question of the limits of territorial waters (No. 6) and with that of the employment of airships and flying machines (No. 7). The sections would report to the Sub-Committee, and the Sub-Committee, having co-ordinated the work of its various sections, would report to the Committee of Imperial Defence.

7. His Majesty's Government undertook, at the Imperial Conference of 1911, that the Governments of the self-governing Dominions should be afforded an opportunity of consultation when framing the instructions to be given to the British delegates at future meetings of The Hague Conference. I have the honour, in pursuance of that undertaking, to inquire whether it would meet the views of your Ministers that a representative of this Department should attend and keep himself informed of the course of the discussions in the various sections of the proposed Sub-Committee of the Committee of Imperial Defence, and that he should be charged with the duty of bringing before my notice, with a view to reference to you, any questions under consideration in which the interests of your Government might be held to be specially involved. In this manner, your Government would be kept in touch with the general trend of the proceedings, and it would then be open to them, if they so desired, to appoint a representative to sit on the Sub-Committee when, or before, the latter entered upon the consideration of its report. Or, if they should

\* See enclosure in No. 20. † No. 19. ‡ Amendments shown in italics and obliterated type. § No. 18.



[your Ministers would wish to appoint representatives on any of the Sections of the proposed Sub-Committee of the Committee of Imperial Defence, and if so which, or whether they would] prefer to wait until they are in possession of copies of the Report of the Sub-Committee, *they would be at liberty* and then to depute one or more of their number to represent them in the discussion by the Committee of Imperial Defence of any questions which *might* may appear to them to require further consideration.

8. I cannot at present inform you of the date when the Sub-Committee and its various sections will be constituted, but I will do so as soon as possible.

I have, &c.,

18544

No. 21

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 26th May, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th of May,\* suggesting certain amendments in the draft of the circular despatch which it is proposed to address to the Governments of the Self-Governing Dominions, relative to the programme of the Third Peace Conference and to the preparation of the instructions to the British delegates.

2. Mr. Harcourt has given very careful consideration to the amendments suggested in the seventh paragraph of that despatch, and I am to invite the attention of Sir Edward Grey to the following considerations, which, in Mr. Harcourt's opinion, render it undesirable to adopt the modifications suggested in your letter.

3. At the Imperial Conference of 1911 (see page 114 of [Cd. 5745]), Sir Edward Grey made the offer that "the Dominions should, in whatever way they found most convenient, which would be made known through Mr. Harcourt or the Secretary of State for the Colonies, be represented at" the Inter-departmental Conference to consider the instructions to be given to the British delegates. Sir Edward Grey proposes that the Governments of the Self-Governing Dominions should be given the choice either of representation on the Sub-Committee or of discussion at the Committee of Imperial Defence. The functions, however, of the Sub-Committee are merely to collate the reports of the sections and, even so, representation on the Sub-Committee is to be conditional on points arising of special interest to the Dominions. It appears clearly to Mr. Harcourt that it would be impossible to impose this latter condition and that the Dominion Governments are entitled to a voice not only in questions specially interesting them, but on all matters of common interest.

4. The further proposal that the Dominions should be represented on the sections by an officer of this Department would place upon the Colonial Office member a responsibility which he ought not to be called upon to bear. His position would clearly be most invidious if a Dominion Government should find, on receiving the Report of the Sub-Committee, that he had allowed to pass *sub silentio* any point regarded by that Government as important. He would, of course, exercise the greatest possible care to prevent this happening, but he could by no means guarantee that he would avoid a mistake, especially in view of the highly technical nature of the work which will devolve upon the various sections. Another point to be borne in mind is that the work of the sections would be liable to interruption whenever it became necessary to consult the Dominion Governments, and that these occasions would be very frequent, for the Colonial Office member, in order to safeguard his position, would recommend consultation with the Dominion Governments in all cases where he was not completely satisfied that such consultation was unnecessary. His presence on the sections in the capacity suggested would, therefore, in all probability be a much greater obstacle to the progress of the work than direct representation of the Dominions.

5. In view of these considerations, Mr. Harcourt trusts that Sir Edward Grey will now consent to the communication of the despatch to the Self-Governing Dominions in the terms originally proposed, except as regards the suggested alteration in paragraph 2, in which Mr. Harcourt concurs.

\* No. 20.

6. I am to take this opportunity to state that Mr. Harcourt's attention has been called to the debate which took place in the House of Commons on the 6th instant, on the subject of the capture of private property at sea, and to inquire, in view of Sir Edward Grey's remarks as to the discussion of this subject at the next Hague Conference, whether any, and, if so, what, additions to the draft despatch are necessary.

I am, &c.,

HENRY LAMBERT.

[SECRETARIAT NOTE: Before the despatches which follow (No. 22) were sent, their terms were further modified and discussed personally by Sir E. Grey and Mr. Harcourt. They were also approved by the Prime Minister.]

23879

No. 22.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. Confidential.)

(Australia. Confidential.)

(New Zealand. Confidential.)

(Union of South Africa. Confidential. (3).)

(Newfoundland. Confidential.)

[SIR,

[MY LORD,

Downing Street, 17th July, 1914.

As [Your Royal Highness's] [Your Excellency's] [your] Ministers are aware, the Final Act of the Second Peace Conference, held at The Hague in 1907, contained (*vide* pages 16 and 17 of [Cd. 4175]) a resolution recommending the assembly of the Third Peace Conference, after an interval of eight years, that is, in 1915, and, further, suggesting that, about two years before, an International Committee should meet to draw up the programme and settle the rules of procedure for the Conference.

2. A proposal has now been made by the United States Government to all the Powers, recommending the immediate formation of the International Committee in order that the Conference may meet in 1915. It has been pointed out to the United States Government that, according to the resolution passed by the Second Peace Conference, and embodied by them in the Final Act, a period of at least two years is to elapse between the meeting of the preparatory International Committee and the assembly of the next Peace Conference, and that as such an International Committee has not as yet been constituted, the Third Peace Conference could not be convoked for 1915 without running counter to the deliberate decision of the Powers in 1907.

3. It is to be presumed that the subjects which will be discussed by the Third Conference will include the subjects recommended by the Second Peace Conference itself as a legacy to its successor for further study and settlement. These are:—

1. Establishment of a fixed International Arbitration Court.
2. Regulations respecting the laws and usages of naval war. (Under this head would come the question of the capture of private property at sea.)
3. Regulations respecting a permanent organization for the periodical assembly of International Peace Conferences.

The subjects which His Majesty's Government propose to raise are:—

4. Status of enemy subjects in belligerent territory (with special reference to Article 23 (h) of the Regulations annexed to the Convention of 1907 respecting the Laws and Usages of War on Land).
- \*5. Status of neutrals in belligerent territory.
6. Limits of territorial waters.
7. Regulations respecting the employment of airships and flying machines in war.
8. Assistance to wounded animals in time of war.

It is not possible yet to say what subjects other countries will propose, but it appears probable, from the debates of the Institute of International Law, that they will comprise the following:—

9. Conclusion of General Arbitration Treaty.



10. Extension of the Convention of 1907 respecting the opening of hostilities to all international measures of coercion (such as occupation, pacific blockade, etc.).
11. Regulations respecting the service of lighthouses in war.
12. Effect of Arbitral Judgments in respect to national authorities and jurisdiction.
13. Jurisdiction of national tribunals in respect to foreign States.
14. Diplomatic and consular privileges.

4. I shall be glad to learn as soon as possible whether your Ministers have any observations to offer on the list of questions (Nos. 4-8) which His Majesty's Government propose to raise, or whether there are any other questions not mentioned in the foregoing paragraph which they would wish to have included in the programme of the Conference.

5. His Majesty's Government undertook, at the Imperial Conference of 1911 (*vide* Resolution No. 1) that the Governments of the self-governing Dominions should be afforded an opportunity of consultation when framing the instructions to be given to the British Delegates at future meetings of The Hague Conference. In his speech at the meeting of the Imperial Conference, held on the 1st June (*vide* page 114 of [Cd. 5745]), the Secretary of State for Foreign Affairs suggested that the time for such consultation to begin was when the inter-departmental conference for the consideration of the programme and the instructions to be given to the delegates took place, and that the self-governing Dominions should be represented at that conference.

6. This suggestion was based on the assumption that the procedure to be adopted with regard to the next Hague Conference would be the same as it had been with regard to the last. His Majesty's Government are, however, now of the opinion that the procedure adopted with regard to the last Hague Conference should be varied by dispensing with the appointment of an inter-departmental conference and transferring the duties discharged by the inter-departmental conference on the previous occasion to the Committee of Imperial Defence, and they will gladly welcome any representatives whom your Ministers may depute to attend the meetings of the Committee of Imperial Defence which will be held for this purpose.

7. I regret that I cannot at present say when it will be possible to hold these meetings. Experience has shown that it is essential that the British delegates should be in a position to submit definite proposals worked out in detail and in the form of draft clauses of a Convention, and dealing with every subject to be discussed, and particularly with those affecting British interests. His Majesty's Government feel that they could more usefully confer to this end with the Governments of the self-governing Dominions, after a thorough preliminary investigation of the various subjects has been made by their technical advisers. They propose accordingly to appoint a number of committees for this purpose and to assign a particular branch of inquiry to each committee.

8. Thus, of the subjects mentioned in paragraph 3 of this despatch, one committee would deal with Nos. 1, 3, 9, 12, and 14, which are primarily legal, and another with subjects Nos. 2, 4, 5, 8, 10, and 11, which are, in the main, of naval or military interest. Special committees would deal with the question of the limits of territorial waters (No. 6), and with that of the employment of airships and flying machines (No. 7).

9. This arrangement will, it is thought, tend to shorten the period of preliminary investigation, especially if, as is proposed, the various committees sit as far as possible simultaneously, but even thus it is anticipated that some considerable time must elapse before the investigation is completed.

10. Copies of the reports of the committees as received will be furnished to the Governments of the self-governing Dominions, and it is suggested that the meetings of the Committee of Imperial Defence might be held as soon as those Governments have had time to consider the reports. Any conclusions or recommendations embodied in the reports would, of course, be discussed by the Committee of Imperial Defence on their merits.

11. If the Imperial Conference meets next year, Ministers from the self-governing Dominions will be in London and it might be convenient that the suggested meetings of the Committee of Imperial Defence should be held then—but this would depend on the progress made with the preliminary investigation.

I have, &c.,  
L. HARCOURT.

43674

No. 23.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9th November, 1914.)

[Copies to Foreign Office and Committee of Imperial Defence, 17th November, 1914. L.F.]

(Confidential.)

Government House, Dominion of New Zealand,

Wellington, 26th September, 1914.

SIR,

I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 17th July,\* on the subject of the assembly of the Third Peace Conference.

2. With reference to paragraph 4 of your despatch, in which you ask whether my Ministers have any observations to offer on the list of questions which His Majesty's Government propose to raise, the Prime Minister assumes that, as, since your despatch was posted to me, war has broken out, it is not necessary for the New Zealand Government to give the matter their consideration at the present time. No action will be taken, therefore, until you advise me further.

I have, &amp;c.,

LIVERPOOL,

Governor.

(d) International Convention as to Spitzbergen.

26985

No. 24.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24th July, 1914.)

[Answered by No. 25.]

SIR,

Foreign Office, 23rd July, 1914.

I AM directed by Secretary Sir E. Grey to transmit to you, herewith, an extract from a despatch from His Majesty's Minister at Christiania, with regard to the proposed Convention respecting Spitzbergen, now under consideration by an International Conference at that capital, in its relation to the British Dominions and Colonies. I am also to transmit herewith, for Mr. Secretary Harcourt's concurrence, draft of a despatch which Sir E. Grey proposes to address to Mr. Findlay on this subject, together with a copy of the original draft of the proposed Convention†.

The proposed Convention will affect the Dominions and Colonies in two ways: First, as regards the status of Colonial subjects in relation to the International Administration to be set up in Spitzbergen; and secondly, as regards the application of the Hague Convention to the international procedure in civil and criminal cases under Chapter VIII.

In regard to the first point, Sir E. Grey presumes that it would obviously not be to the advantage of the self-governing Dominions to exempt their citizens from the operation of the Convention in Spitzbergen, and it will probably, therefore, not be found necessary to consult the Dominions on this point before the Convention is signed. As regards the second point, I am to ask you to invite Mr. Harcourt's attention to the reservation which Mr. Findlay is instructed to make in the enclosed draft, which will presumably render it equally unnecessary to consult the Dominions on this point prior to signature.

I am, &amp;c.,

EYRE A. CROWE.

\* No. 22.

† Not reprinted.



Enclosure 1 in No. 24.

EXTRACT FROM MEMORANDUM BY MR. MALKIN, ENCLOSED IN MR. FINDLAY'S DESPATCH No. 50, CONFIDENTIAL, OF 30TH JUNE, 1914.

3. This Convention does not seem to be of such a nature as to require a "Colonial Accession Clause," but the British delegates have borne the position of the Colonies in mind. The present proposal is to insert a clause providing that each signatory Power may state whether the Convention is to apply to its Colonial subjects or not. This appears to us to be sufficient. It is clearly advisable that the system of administration set up by the Convention should apply to Colonial British subjects who may go to Spitzbergen, and the only possible difficulty which we see at present is in connexion with the proposals for international procedure (Chapter VIII.), the provisions of which it might perhaps be impossible to apply to Colonial Courts without previous consultation. (It should be added that Chapter VIII. is under revision.) It appears to us, however, that the proposed additional article (which has not at present been drafted) would avoid any difficulty.

Enclosure 2 in No. 24.

DRAFT DESPATCH TO MR. FINDLAY.

SIR, Foreign Office, July 1914.

ONE of the points raised in your despatch No. 50 of the 30th ultimo is that of the position of the British Dominions and Colonies under the Spitzbergen Convention. It is proposed that a clause should be inserted to the effect that each signatory Power shall be entitled to state whether the Convention is to apply to its Colonial subjects or not. I am advised that such a provision, although adequate in theory, would in practice be extremely difficult, if not impossible, to carry out. It has hitherto not been found possible to establish a test by which one class of British subjects can be differentiated from another as regards their international status. It seems therefore clear that such a provision, if it did not in fact remain completely inoperative, would be likely to give rise to difficulties and disputes concerning the exact status of individual British subjects.

With regard to Chapter VIII., dealing with international procedure in civil and criminal matters, this country is not a signatory to the Hague Convention of 17th July, 1905 (although it is proposed partially to accede to it) because the state of the law in this country does not permit of giving effect to its provisions "in toto." His Majesty's Government are therefore equally not in a position to carry out "in toto" the obligations imposed by Chapter VIII. They are, however, prepared to carry it out "dans la mesure du possible."

It is doubtful how far the self-governing Colonies would be able or willing to carry out the provisions of the Hague Convention above mentioned. It will therefore be necessary to make a reservation as to this Chapter. A convenient opportunity should, however, be taken to explain to your colleagues that this action is taken in order to give His Majesty's Government time to consult the self-governing Dominions as to whether it will be possible for them to carry out this part of the Convention.

I may add that in its present form it appears that the Convention would be applicable only to nationals of the signatory Powers and that a subject or citizen of a non-signatory Power would not be justiciable by the Convention Courts. Such a state of affairs would, of course, never be permitted to exist in practice, but I can find nothing in the draft Convention to show that its authors have made any provision to obviate it.

I have, &amp;c.,

26985

No. 25.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 7th September, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 23rd of July,\* on the subject of the proposed Convention respecting Spitzbergen, which was then under consideration by an International Conference at Christiania.

\* No. 24.

2. Mr. Harcourt presumes that the Conference has adjourned, but he desires to place on record that he would not have been prepared to concur in the terms of that passage of the draft despatch enclosed in your letter, in which it was proposed to inform Mr. Findlay that a provision to the effect that each signatory Power should be entitled to state whether the Convention was to apply to its Colonial subjects or not was adequate in theory. His Majesty's Government are committed to the view that in theory as in practice it is impossible to find a test which would permit of Colonial British subjects being distinguished from other British subjects as regards their international status. I am to point out in this connexion that the Law Officers in their report of the 23rd January, 1899,<sup>\*</sup> described such a distinction as "unknown to British law and almost impossible of definition." Similarly in Sir Edward Grey's note to the Swiss Minister of the 5th October, 1912,<sup>†</sup> it was stated that it was legally and practically impossible to establish any difference of international status among various classes of British subjects.

3. Should it be decided at any future date to renew the consideration of the question, Mr. Harcourt would be glad to be consulted before His Majesty's representatives are authorized to sign any Treaty. Such authority could, in any case, hardly be given without prior consultation with the self-governing Dominions unless it appears clearly on the face of the Convention that it imposes no obligation to do things, or to refrain from doing things, on the Governments, Courts, or other authorities of the Dominions. From this point of view, Article 37 even with the words "dans la mesure du possible" would appear to be open to exception, as well as Article 38 (second paragraph) and Article 40.

I am, &amp;c.,

HENRY LAMBERT,  
for the Under-Secretary of State.

## (c) Renewal of certain Arbitration Agreements

1711

No. 26.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15th January, 1914.)

[Answered by No. 28.]

SIR,

Foreign Office, 14th January, 1914.

WITH reference to my letter of 16th September last,<sup>‡</sup> and subsequent correspondence, respecting the renewal of certain arbitration agreements between the United Kingdom and foreign States, I am directed by Secretary Sir E. Grey to state that the Arbitration Agreement of July 12th, 1904, between the United Kingdom and Germany will expire on July 12th next, unless steps are taken for its renewal on or before that date.

I am accordingly to request, if Mr. Secretary Harcourt sees no objection, that the Governments of the self-governing Dominions may be consulted with a view to the renewal of the agreement in question by means of an exchange of notes with the German Government.

The other agreements of this nature which, unless similarly renewed, will expire during the course of the present year are as follows:—

Date of Expiry.

- |   |                      |
|---|----------------------|
| (1) Sweden } Convention, August 11th, 1904.     | November 9th, 1914.  |
| (2) Norway } Convention, August 11th, 1904.     | November 9th, 1914.  |
| (3) Portugal Agreement, November 16th, 1904.    | November 16th, 1914. |
| (4) Switzerland Agreement, November 16th, 1904. | November 16th, 1914. |

In order to avoid multiplication of correspondence, Mr. Harcourt may deem it convenient to include these in any reference which may be made to the Dominion Governments.

I am, &amp;c.,

RALPH PAGET.

\* No. 206A in Vol. V. of Law Officers' Opinions. † No. 10 in Dominions No. 50.

‡ No. 21 in Dominions No. 45.



1711

No. 27.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 70.)  
 (Australia. No. 49.)  
 (New Zealand. No. 41.)  
 (Union of South Africa. No. 44.)  
 (Newfoundland. No. 30.)

[SIR,  
 MY LORD,

Downing Street, 27th January, 1914.

I HAVE the honour to request [Your Royal Highness] [your Excellency] [you] to inform your Ministers that, as the Arbitration Agreements concluded with Germany, Sweden and Norway, Portugal, and Switzerland will expire during the course of the present year on the following dates:—

Germany, 12th July, 1914,  
 Sweden—Norway, 9th November, 1914,  
 Portugal, 16th November, 1914,  
 Switzerland, 16th November, 1914,

unless renewed on or before those dates, His Majesty's Government propose, in accordance with the established policy, which they understand is in harmony with the views of your Ministers, to renew those Agreements in due course.

I have, &c.,  
 L. HARCOURT.

1711

No. 28.

COLONIAL OFFICE TO FOREIGN OFFICE.

SIR,

Downing Street, 28th January, 1914.

WITH reference to your letter of the 14th instant,\* I am directed by Mr. Secretary Harcourt to transmit to you for the information of Sir Edward Grey the accompanying copy of a despatch† which has been addressed to the Governors-General and Governors of the self-governing Dominions, on the subject of the proposed renewal of the Arbitration Agreements with Germany, Sweden, Norway, Portugal, and Switzerland.

I am, &c.,  
 HENRY LAMBERT,  
 for the Under-Secretary of State.

7694

No. 29.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2nd March, 1914.)

[Copy to Foreign Office, 5th March, 1914. L.F.]

(No. 95.)

SIR,

Government House, Ottawa, 19th February, 1914.

I HAVE the honour to forward, herewith, for your information, a copy of an approved minute of the Privy Council for Canada, dated 16th February, 1914, respecting the renewal of arbitration agreements with Germany, Sweden and Norway, Portugal, and Switzerland.

I have, &c.,  
 ARTHUR.

Reference to previous despatch, Colonial Office No. 70, 27th January, 1914.†

\* No. 26.

† No. 27.

Enclosure in No. 29.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 16TH FEBRUARY, 1914.

(P.C. 439).

THE Committee of the Privy Council have had before them a report, dated 12th February, 1914, from the Secretary of State for External Affairs upon a despatch from the Secretary of State for the Colonies, dated 27th January, 1914, on the subject of the renewal of arbitration agreements with Germany, Sweden and Norway, Portugal, and Switzerland, which will expire during the course of the present year on the following dates:—

Germany	...	...	...	12th July, 1914
Sweden	...	...	...	9th November, 1914
Norway	...	...	...	16th November, 1914
Portugal	...	...	...	16th November, 1914
Switzerland	...	...	...	16th November, 1914

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to inform the Right Honourable the Secretary of State for the Colonies that Your Royal Highness's advisers concur in the action which His Majesty's Government proposes to take at an early date for the renewal of these agreements.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

8703

No. 30.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 9th March, 1914.)

[Copy to Foreign Office, 16th March, 1914. L.F.]

(No. 37.)

SIR,

Government House, St. John's, 25th February, 1914.

REFERRING to your despatch No. 30, of the 27th January,\* respecting the renewal of the arbitration agreements with Germany, Sweden and Norway, Portugal and Switzerland, I have the honour to inform you that the views of my Ministers are in favour of the renewal of these agreements.

I have, &c.,  
 W. E. DAVIDSON.

14402

No. 31.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th April, 1914.)

(No. 92.)

SIR,

Governor-General's Office, Melbourne, 18th March, 1914.

REFERRING to your despatch No. 49, dated 27th January, 1914,\* relative to the existing arbitration agreements concluded with Germany, Sweden, Norway, Portugal, and Switzerland, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth is in accord with the proposal to renew these agreements in due course.

I have, &c.,  
 DENMAN,  
 Governor-General.

\* No. 27.



17277

No. 32.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE

(Received 12th May, 1914.)

[Copy to Foreign Office 15th May, 1914. L.F.]

(No. 231.)

SIR, Governor-General's Office, Cape Town, 23rd April, 1914.  
I HAVE the honour to transmit to you herewith, with reference to my telegram of the 21st instant,\* copy of a minute from Ministers, dated 21st April, on the subject of the Arbitration Agreements concluded with Germany, Sweden, Norway, Portugal, and Switzerland.

I have, &c.,  
GLADSTONE,  
Governor-General.

Enclosure in No. 32.

(Minute No. 301.)

Prime Minister's Office, Cape Town, 21st April, 1914.

1. MINISTERS have the honour to acknowledge the receipt of His Excellency's minute No. 3/1508, of the 20th of February, 1914, transmitting a copy of the despatch from the Right Honourable the Secretary of State for the Colonies, No. 44, dated 27th of January, 1914, relative to the Arbitration Agreements concluded with Germany, Sweden, Norway, Portugal, and Switzerland.

2. Ministers, after considering the special relationships with Germany and Portugal, owing to their territorial contiguity in South Africa, have no objection to advance to the renewal of all the proposed Arbitration Agreements in due course.

LOUIS BOTHA.

19955

No. 33.

## NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st June, 1914.)

(No. 71.)

SIR, Government House, Wellington, 24th April, 1914.  
WITH reference to your despatch No. 41, of the 27th January,† on the subject of the renewal of the Arbitration Agreements between the United Kingdom and Germany, Sweden, Norway, Portugal, and Switzerland, I have the honour to transmit to you a copy of the memorandum which I received from my Prime Minister on the subject, and which formed the basis of my telegram of the 22nd April.‡

I have, &c.,  
LIVERPOOL,  
Governor.

Enclosure in No. 33.

## MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

THE Prime Minister presents his compliments to His Excellency the Governor and will be glad if he will notify the Right Honourable the Secretary of State for the Colonies, in reply to his despatch No. 41, of the 27th January, 1914, that the New Zealand Government concurs with the proposal of His Majesty's Government

\* 14713: not printed. † No. 27. ‡ 14783: not printed.

to renew the existing Arbitration Agreements between the United Kingdom and Germany, the United Kingdom and Sweden, the United Kingdom and Norway, the United Kingdom and Portugal, and the United Kingdom and Switzerland, for a further period of five years.

H. D. BELL,  
for the Prime Minister.

Prime Minister's Office,  
Wellington,  
20th April, 1914.

26123

No. 34.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 564.)  
(Australia. No. 455.)  
(New Zealand. No. 316.)  
(Union of South Africa. No. 330.)  
(Newfoundland. No. 242.)

[SIR,] [MY LORD,]

Downing Street, 23rd July, 1914.

WITH reference to

[His Royal Highness the Duke of Connaught's despatch No. 95, of 19th February,\*]  
[Lord Denman's despatch No. 92, of 18th March,†]  
[Your Excellency's telegram of 22nd April,‡]  
[Lord Gladstone's despatch No. 231, of 23rd April,§]  
[your despatch No. 37, of the 25th of February,||]

I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copies of notes which have been exchanged with the German Ambassador regarding the renewal for five years of the Anglo-German Arbitration Agreement.

I have, &c.,  
L. HARCOURT.

Enclosure 1 in No. 34.

YOUR EXCELLENCY, Foreign Office, 11th July, 1914.

WITH reference to my note of the 23rd November, 1909, on the subject of the renewal, for four years, of the Agreement between the United Kingdom and Germany, providing for the settlement by arbitration of certain classes of questions which may arise between the two Governments, signed at London on the 12th July, 1904, I have the honour to inform Your Excellency that His Majesty's Government are prepared to extend the renewal of the Agreement for a further period of five years from the date of its expiry on the 12th July, 1914.

I should be glad to learn from Your Excellency that the Imperial Government are equally prepared to extend the renewal of the Agreement for this period, in which case the present note and Your Excellency's reply would be sufficient to give legal validity to this understanding between the two Governments.

I have, &c.,  
E. GREY.

His Serene Highness  
Prince Lichnowsky,  
&c., &c., &c.

\* No. 29. † No. 31. ‡ 14783: not printed. § No. 32. || No. 36.



## RESOLUTION I. (e)—RENEWAL OF CERTAIN ARBITRATION AGREEMENTS.

Enclosure 2 in No. 34.

YOUR EXCELLENCY,

German Embassy, 11th July, 1914.

In reply to your note of the 11th instant, I have the honour to state that the German Government is also ready to prolong the Anglo-German Arbitration Treaty for another five years from the date of its expiration on the 12th instant.

The German Government also agree that this exchange of notes shall be regarded as the conclusion of the Agreement with regard to the duration of the validity of the Arbitration Treaty.

I have, &c.,  
LICHNOWSKY.

His Excellency

Sir Edward Grey,  
&c., &c., &c.

47386

No. 35.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 1000.)  
(Australia. No. 756.)  
(New Zealand. No. 579.)  
(Union of South Africa. No. 680.)  
(Newfoundland. No. 467.)

[SIR,] [MY LORD,]

Downing Street, 18th December, 1914.

WITH reference to my despatch No. [564,] [455,] [316,] [330,] [242,] of the 23rd July last,\* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of the following papers:—

1. Convention between the United Kingdom and Sweden renewing for a further period of five years the Arbitration Convention of 11th August, 1904. Signed at London, 9th November, 1914.†
2. Convention between the United Kingdom and Norway renewing for a further period of five years the Arbitration Convention of 11th August, 1904. Signed at London, 9th November, 1914.†
3. Agreement between the United Kingdom and Portugal providing for the settlement by arbitration of certain classes of questions which may arise between the two Governments. Signed at London, 16th November, 1914.†

I have, &c.,  
L. HARCOURT.

\* No. 34. † Treaty series No. 13 of 1914 [Cd. 7629]. ‡ Treaty series No. 14 of 1914 [Cd. 7630].  
§ Treaty series No. 15 of 1914 [Cd. 7713].

## RESOLUTION V : INTERNATIONAL EXHIBITIONS.

That, in view of the International Conference to be held at Berlin in 1912 with a view to the regulation of the conditions under which international exhibitions should receive support, it is desirable that the Imperial and Dominion Governments shall consider the matter in conjunction, so as to arrange, if possible, for concerted action upon this subject.

8182

No. 36.

## BOARD OF TRADE to COLONIAL OFFICE.

(Received 5th March, 1914.)

[Answered by No. 38.]

Board of Trade (Commercial Department),

SIR,

Gwydyr House, Whitehall, London, S.W., 4th March, 1914.

I AM directed by the Board of Trade to refer to your letter of 21st June, 1913 (No. 19270/13),\* stating that the Government of New Zealand had expressed a desire to adhere to the International Convention upon Exhibitions which was signed at Berlin in October, 1912, but suggesting that their decision should not be treated as final, in view of the fact that it was taken before they had received copies of the report and memorandum on the Convention prepared by the British delegates.

The Board assume that this suggestion was made on the supposition that after a closer investigation of the Convention the New Zealand Government might consider that no advantage could be expected to accrue to them from their adherence. As was pointed out in the explanatory note sent to you in the Board's letter of 2nd July, 1912,† for transmission to the Dominion Governments, there are several countries which might prefer to retain their freedom to participate in as many exhibitions as they might see fit, and whose interests might consequently be better served by standing out of the Convention altogether.

I am accordingly to inquire whether, before accepting the decision of the New Zealand Government recorded in your letter of 21st June, 1913,\* Mr. Harcourt would consider it desirable to bring the foregoing considerations to the notice of the High Commissioner for New Zealand in this country.

I have, &c.,  
GEO. J. STANLEY.

8182

No. 37.

## NEW ZEALAND.

## THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 39.]

(Confidential.)

MY LORD,

Downing Street, 6th March, 1914.

IN Your Excellency's despatch No. 63, of the 1st of May, 1913,‡ it was intimated that, in the event of the Convention regarding International Exhibitions of the 26th of October, 1912, being ratified by His Majesty, your Government desired that notification of adherence should be made in respect of New Zealand.

2. The decision of your Government in this matter was arrived at before the receipt by your Ministers of the report and memorandum prepared by the British delegates at the Conference, copies of which accompanied my despatch, No. 209, of the 10th of June, 1913,§ and I should be glad to learn whether the wishes of your Ministers in this matter have been modified in any degree by consideration of these documents. As was pointed out in the explanatory memorandum of which a copy accompanied my Confidential despatch of the 6th of July, 1912,|| there are certain

\* No. 85 in Dominions No. 45. † No. 35 in Dominions No. 45. ‡ No. 82 in Dominions No. 45.  
§ 18011: not printed. || No. 36 in Dominions No. 45.



countries to whose advantage it might be to retain their freedom to participate in as many exhibitions as they might consider fit, and whose interests might consequently be better served by standing out of the Convention altogether. I have to add that, so far, none of the Governments of the self-governing Dominions, except New Zealand, have expressed their desire that the Convention should be made applicable in their case, but that the Government of the Commonwealth have intimated that the opinions of the State Governments as to the advisability of the application of the Convention do not agree, and that the matter has, therefore, been postponed for further consideration till the next conference of the Premiers of the States.

I have, &c.,

L. HARCOURT.

8182

No. 38.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 7th March, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 4th of March,\* on the subject of the application to New Zealand of the International Convention as to Exhibitions which was signed at Berlin in 1912.

2. In reply I am to transmit to you, for the information of the Board of Trade, the accompanying copy of a despatch† which Mr. Harcourt has addressed to the Governor of New Zealand on the subject. I am to add that, as it would be necessary for the High Commissioner to refer the matter for the consideration of his Government, and as the previous correspondence as to the application of the Convention to New Zealand has been conducted, in accordance with the established practice, through the Governor, Mr. Harcourt considers it preferable not to address the High Commissioner on the matter.

I am, &c.,

HENRY LAMBERT.

22656

No. 39.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 22nd June, 1914.)

[Copies to Board of Trade and Foreign Office, 30th June, 1914. L.F.F.]

(Confidential.)

SIR,

Government House, Wellington, 14th May, 1914.

I HAVE the honour to acknowledge the receipt of your Confidential despatch, dated 6th March,† relative to the question of the adherence of New Zealand to the International Exhibitions Convention of 1912, in the event of its being ratified by His Majesty.

2. My Ministers have given further consideration to the matter, and have reported to me as follows:—

"The Government still desires that, in the event of the Convention respecting International Exhibitions being ratified by the Imperial Government, notification of adherence be made in respect of New Zealand. It would seem that all the liberty of action required by this Dominion is reserved by Article 31 of the Convention."

I have, &c.,

LIVERPOOL,

Governor.

\* No. 36. † No. 37.

28383

No. 40.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4th August, 1914.)

[Copy to Foreign Office and Board of Trade, 13th August, 1914. L.F.]

(No. 198.)

SIR,

Governor-General's Office, Melbourne, 25th June, 1914.

REFERRING to your despatch No. 5, dated the 2nd January last,\* relative to the International Exhibitions Conference held in Berlin in 1912, I have the honour to inform you that it is desired by my Ministers that notification of adherence to the Convention may be made in respect to the Commonwealth Government.

I have, &c.,

R. M. FERGUSON,  
Governor-General.

\* 40145: not printed.



## RESOLUTION VII.: EMIGRATION.

Having heard the interesting and explanatory statement from Mr. Burns, resolved, That the present policy of encouraging British emigrants to proceed to British Dominions rather than foreign countries be continued and that full co-operation be accorded to any Dominion desiring immigrants.

19953

No. 41.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st June, 1914.)

[Copy to Board of Trade, 8th June, 1914. L.F.]

(No. 69.)

SIR,

Wellington, 24th April, 1914.

I HAVE the honour to acknowledge the receipt of your despatch No. 297, of the 7th August, 1913,\* on the subject of the utilization of the Labour Exchanges in the United Kingdom in connexion with the notification of vacancies for employment in this Dominion.

2. In acknowledging the receipt of the information contained in your despatch the Prime Minister states that, when the report of the Dominions Royal Commission on the question of emigration to the self-governing Dominions has been made, the Government of New Zealand will be pleased to learn whether the Board of Trade proposes to take any further action in the matter.

I have, &c.,  
LIVERPOOL,  
Governor.

\* No. 133 in Dominions No. 45.

## RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

That, in order to secure justice and protection for wives and children who have been deserted by their legal guardians either in the United Kingdom or any of the Dominions, reciprocal legal provisions should be adopted in the constituent parts of the Empire in the interests of such destitute and deserted persons.

[Note: The main correspondence on this subject between March, 1912, and February, 1914, is printed as Dominions No. 57.]

5198

No. 42.

COLONIAL OFFICE to TREASURY.

SIR,

Downing Street, 11th March, 1914.

WITH reference to your letter of the 11th July, 1912,\* I am directed by Mr. Secretary Harcourt to transmit to you the accompanying copies of printed correspondence† relating to the Draft Maintenance Orders (Facilities for Enforcement) Bill. I am also to enclose a copy of the print, Dominions No. 19, to which reference is made in the correspondence.

2. Mr. Harcourt will be glad if their Lordships will be so good as to authorize the Parliamentary Counsel to redraft the Bill and memorandum on the lines indicated in this correspondence. I am to suggest that the special attention of counsel should be invited to letters Nos. 8, 10, 12, 16, 17, and 19.

I am, &c.,  
HENRY LAMBERT.

15366

No. 43.

COLONIAL OFFICE to THE LOCAL GOVERNMENT BOARD, THE LOCAL GOVERNMENT BOARD FOR IRELAND, AND THE LOCAL GOVERNMENT BOARD FOR SCOTLAND.

SIR,

Downing Street, 5th August, 1914.

WITH reference to previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the [Local Government Board,] [Local Government Board for Ireland,] [Local Government Board for Scotland,] the accompanying revised draft‡ of the Maintenance Orders (Facilities for Enforcement) Bill, together with a print† which contains the correspondence on the subject of the Bill.

I have, &c.,  
HENRY LAMBERT.

15366

No. 44.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 45.]

SIR,

Downing Street, 5th August, 1914.

WITH reference to the letter from this Office of the 14th February,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, the accompanying revised draft of the Maintenance Orders (Facilities for Enforcement) Bill which embodied the various amendments suggested by the Government Departments concerned up to date. I am also to enclose, for convenience of reference, a print of the correspondence† relating to the Bill.

2. Mr. Harcourt concurs generally in the terms of the draft subject to the following observations:—

\* No. 136 in Dominions No. 45. † Dominions No. 57. ‡ Not reprinted. § 5198: not printed.



(1) Clause 3 (5). No provision is made for the confirmation by the confirming (Colonial) Court of an Order of the United Kingdom Court rescinding its original order. Mr. Harcourt sees no objection to this provided that some provision is made for bringing the rescinding order formally to the notice of the Colonial authorities, and he would suggest therefore, that an addition should be made to the clause on the lines of Clause 3 (3) for transmitting a varying or rescinding order, through the Secretary of State for the Colonies, to the Governor of the Colony.

(2) Clause 6 (2) proviso. Mr. Harcourt would suggest that the words "in the same manner" should be inserted after "enforceable." This would, in his opinion, obviate the possibility that the proviso as it stands might be taken to imply that provisional affiliation orders were within the scope of the Bill.

3. If the amendments suggested above are adopted, steps will be taken to have the draft Bill revised accordingly, and Mr. Harcourt would then propose to communicate copies in the circular despatch\* of which a draft is enclosed to the Governments of the self-governing Dominions and the Australian States, as indicating the general lines on which His Majesty's Government would propose to deal with the subject.

I am, &c.,  
HENRY LAMBERT.

SECRETARIAT NOTE: The amended Bill, with various further alterations, is printed as enclosure to No. 47.

30491

No. 45.

HOME OFFICE to COLONIAL OFFICE.

(Received 15th August, 1914.)

SIR,

Home Office, Whitehall, 14th August, 1914.

HAVING laid before Mr. Secretary McKenna your letter of the 5th instant,† transmitting the revised draft of the Maintenance Orders (Facilities for Enforcement) Bill, I am directed by him to say, for the information of Mr. Secretary Harcourt, that he concurs in the terms of the draft as amended by the two suggestions made in your letter.

I am, &c.,  
E. BLACKWELL.

43751

No. 46.

LOCAL GOVERNMENT BOARD to COLONIAL OFFICE.

(Received 9th November, 1914.)

SIR,

Local Government Board, Whitehall, S.W.,

7th November, 1914.

I AM directed by the Local Government Board to advert to Mr. Lambert's letter of 5th August last (15366/14),† forwarding a revised draft of the Maintenance Orders (Facilities for Enforcement) Bill, together with a print of the correspondence which has taken place on the subject.

I am directed to state that the Board have given consideration to the revised draft, and that they do not desire to offer any observations upon the alterations embodied in that draft.

I am, &c.,  
WALTER T. JERRED,  
Assistant Secretary.

\* See No. 47. † No. 44. ‡ No. 43.

49161

No. 47.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 988.)  
(Australia. No. 749.)  
(New South Wales. No. 159.)  
(Victoria. No. 109.)  
(Queensland. No. 118.)  
(Tasmania. No. 102.)  
(South Australia. No. 119.)  
(Western Australia. No. 107.)  
(New Zealand. No. 574.)  
(Union of South Africa. No. 669.)  
(Newfoundland. No. 459.)

[SIR,] [MY LORD,]

Downing Street, 17th December, 1914.

I HAVE the honour to inform [Your Royal Highness] [Your Excellency] [you] that his Majesty's Government have for some time been carefully considering the question of the steps to be taken for carrying out, as regards the United Kingdom, the resolution passed by the Imperial Conference in 1911 in favour of the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children.

2. I shall be obliged if you will lay before your Ministers the accompanying copies of a draft Bill which, though subject to further revision, embodies the general result of the consideration given to the question, and indicates the general lines on which it is proposed to deal with it.

3. It will be noticed that the Bill provides for the enforcement in the United Kingdom of maintenance orders made by the courts of those parts of His Majesty's dominions outside the United Kingdom which may enact reciprocal provisions for the enforcement in the United Kingdom, after confirmation by the courts of the United Kingdom, of provisional orders made by the courts of such parts of His Majesty's dominions against persons resident in the United Kingdom, and for the making by the courts of the United Kingdom of provisional orders against persons resident in such parts of His Majesty's dominions with a view to their enforcement in such parts of His Majesty's dominions after confirmation by the courts thereof.

4. I should be glad to receive any observations which your Ministers may have to offer on the terms of the draft Bill, and to learn whether, in the event of legislation being passed by Parliament on the lines of the draft Bill, they would be prepared to take steps to secure the enactment of reciprocal provisions [in Canada.] [in the territories of the Commonwealth.] [in New South Wales.] [in Victoria.] [in Queensland.] [in Tasmania.] [in South Australia.] [in Western Australia.] [in New Zealand.] [in the Union of South Africa.] [in Newfoundland.]

[To the Commonwealth of Australia only.—5. A similar despatch has been addressed to the Governors of the States.]

I have, &c.,  
L. HARCOURT.

Enclosure in No. 47.

DRAFT OF A BILL to facilitate the enforcement in the United Kingdom of maintenance A.D. 1914. orders made in other parts of His Majesty's dominions and vice versa.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—



Enforcement in the United Kingdom of maintenance orders made in His Majesty's dominions outside the United Kingdom.

1.—(1) Where a maintenance order has, whether before or after the passing of this Act, been made against any person by any court in any part of His Majesty's dominions outside the United Kingdom to which this Act extends, and a certified copy of the order has been transmitted by the Governor of that part of His Majesty's dominions to the Secretary of State, the Secretary of State shall send a copy of the order to the prescribed officer of a court in the United Kingdom for registration; and on receipt thereof the order shall be registered in the prescribed manner, and shall from the date of such registration be of the same force and effect, and, subject to the provisions of this Act, all proceedings may be taken on such order as if it had been an order originally obtained in the court in which it is so registered, and that court shall have power to enforce the order accordingly.

(2) The court in which an order is to be so registered as aforesaid shall, if the court by which the order was made was a court of superior jurisdiction, be the Probate, Divorce, and Admiralty Division of the High Court, or in Scotland the Sheriff Court, or in Ireland the King's Bench Division (Matrimonial) of the High Court of Justice in Ireland, and if the court was not a court of superior jurisdiction, be a court of summary jurisdiction.

Transmission of maintenance orders made in the United Kingdom.

2. Where a court in England, Scotland, or Ireland has, whether before or after the commencement of this Act, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in some part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court shall send to the Secretary of State, for transmission to the Governor of that part of His Majesty's dominions, a certified copy of the order.

Power to make provisional orders of maintenance against persons resident in His Majesty's dominions outside the United Kingdom.

3.—(1) Where an application is made to a court of summary jurisdiction for a maintenance order against any person, and it is proved that that person is resident in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent court in such part of His Majesty's dominions as aforesaid.

(2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him.

(3) Where such an order is made the court shall send to the Secretary of State, for transmission to the Governor of the part of His Majesty's dominions in which the person against whom the order is made is alleged to reside, the depositions so taken and a certified copy of the order together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing, together with such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for confirmation, and the order has by that court been remitted to the court of summary jurisdiction which made the order for the purpose of taking further evidence, that court or any other court of summary jurisdiction sitting and acting for the same place shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

If upon the hearing of such evidence it appears to the court that the order ought not to have been made, the court may rescind the order, but in any other case the depositions shall be sent to the Secretary of State and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this section shall not affect any power of a court of summary jurisdiction to vary or rescind that order. Provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Secretary of State for transmission to the Governor of the part of His Majesty's dominions in which the original order was confirmed, and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

4.—(1) Where a maintenance order has been made by a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends, and the order is provisional only and has no effect unless and until confirmed by a court of summary jurisdiction in the United Kingdom, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted to the Secretary of State, and it appears to the Secretary of State that the person against whom the order was made is resident in the United Kingdom, the Secretary of State may send the said documents to the prescribed officer of a court of summary jurisdiction, with a requisition that a summons be issued calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall issue such a summons and cause it to be served upon such person.

Power of court of summary jurisdiction to confirm maintenance order made out of the United Kingdom.

(2) A summons so issued may be served in any part of the United Kingdom in the same manner as if it had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the person happens to be.

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with the summons does not appear or, if he appears, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the court after hearing the evidence may seem just.

(5) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the taking of any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where a provisional order has been confirmed under this section, it may be varied or rescinded in like manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(7) Where an order has been so confirmed the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

5. The Secretary of State may make regulations as to the manner in which a case can be remitted by a court authorized to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between such courts.

Power of Secretary of State to make regulations for facilitating communications between courts.

6.—(1) A court of summary jurisdiction in which an order has been registered under this Act or by which an order has been confirmed under this Act, and the officers of such court, shall take all such steps for enforcing the order as may be prescribed.

Mode of enforcing orders.

(2) Every such order shall be enforceable in like manner as if the order were for the payment of a civil debt recoverable summarily.

Provided that if the order is of such a nature that if made by the court in which it is so registered, or by which it is so confirmed, it would be enforceable in like manner as an order of affiliation, the order shall be so enforceable.



(3) A warrant of distress or commitment issued by a court of summary jurisdiction for the purpose of enforcing any order so registered or confirmed may be executed in any part of the United Kingdom in the same manner as if the warrant had been originally issued or subsequently endorsed by a court of summary jurisdiction having jurisdiction in the place where the warrant is executed.

7. The Summary Jurisdiction Acts shall apply to proceedings before courts of summary jurisdiction under this Act in like manner as they apply to proceedings under those Acts, and the power of the Lord Chancellor to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall include power to make rules regulating the procedure of courts of summary jurisdiction under this Act.

8. Any document purporting to be signed by a judge or officer of a court outside the United Kingdom shall, until the contrary is proved, be deemed to have been so signed, without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

9. Depositions taken in a court in a part of His Majesty's dominions outside the United Kingdom to which this Act extends for the purposes of this Act may be received in evidence in proceedings before courts of summary jurisdiction under this Act.

10. For the purposes of this Act the expression "maintenance order" means an order for the periodical payment of sums of money towards the maintenance of the wife or other dependents of the person against whom the order is made, and shall include as regards Ireland every order or decree for the recovery or repayment of the cost of relief or maintenance made by virtue of the provisions of the Poor Relief (Ireland) Acts, 1838 to 1900; and the expression "dependents" means such persons as that person is, according to the law in force in the part of His Majesty's dominions in which the maintenance order was made, liable to maintain; the expression "certified copy" in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy, and the expression "prescribed" means prescribed by rules of court.

11. In the application of this Act to Scotland the following modifications shall be made:—

- (a) References to a court of summary jurisdiction shall be construed as references to the sheriff court; references to the Summary Jurisdiction Acts shall not apply; references to the Lord Chancellor and to rules or rules of court shall be construed respectively as references to the Court of Session and to Acts of Sederunt; references to an order of affiliation and to a warrant of distress or commitment shall be construed respectively as references to a decree for aliment, and to a warrant authorizing diligence or imprisonment; and references to a summons shall include references to an initial writ;
- (b) Orders intended to be registered or confirmed in Scotland shall in the first instance be transmitted by the Secretary of State to the Crown agent, and the Crown agent shall transmit any such order to a law agent for the poor in the district where the defender is supposed to be resident, with instructions to take such steps as may be necessary to secure registration or confirmation of the order, and such instructions as aforesaid shall be sufficient authority to enable the law agent for the poor to take such steps and also to take all such steps as may be necessary for enforcing the order when registered or confirmed;
- (c) No action for damages shall be competent against the Crown agent or a law agent for the poor or any person acting under their authority for or in respect of anything done in pursuance or execution or intended execution of this Act;
- (d) Subsection (2) of section three shall not apply, and references to "depositions" shall be construed as references to certified copies of evidence led in the application.

Application  
of Summary  
Jurisdiction  
Acts.

Proof of doc-  
uments signed  
by officers of  
court.

Depositions  
to be evidence.

Interpretation

Application to  
Scotland.

12.—(1) Where His Majesty is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of maintenance orders made by courts within the United Kingdom, His Majesty may by Order in Council extend this Act to that part, and thereupon that part shall become a part of His Majesty's dominions to which this Act extends.

(2) His Majesty may by Order in Council extend this Act to [Cyprus and to] any British protectorate and where so extended this Act shall apply as if [Cyprus or] any such protectorate was a part of His Majesty's dominions to which this Act extends.

13. This Act may be cited as the Maintenance Orders (Facilities for Enforcement) Act, 1914.

Extent of Act.

Short title.



## RESOLUTION IX: COURT OF APPEAL

That, having heard the views of the Lord Chancellor and Lord Haldane, the Conference recommends that the proposals of the Government of the United Kingdom be embodied in a communication to be sent to the Dominions as early as possible.

43023

No. 48.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 27.)	(Tasmania. No. 7.)
(New Zealand. No. 18.)	(South Australia. No. 5.)
(Newfoundland. No. 16.)	(Western Australia. No. 7.)
(New South Wales. No. 6.)	(Queensland. No. 8.)
(Victoria. No. 4.)	

[SIR,  
MY LORD,]

Downing Street, 14th January, 1914.

WITH reference to [my despatch No. (917), (486), (343), (203), (148), (119), (126), (134), of the 9th December last\*] [your despatch No. 72 of the 16th October last†], I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, a copy of a despatch‡ from the Governor-General of the Commonwealth of Australia on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,  
L. HARCOURT.

43023

No. 49.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by No. 50.]

SIR,

Downing Street, 15th January, 1914.

WITH reference to the letter from this Department of the 11th December,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lord President of the Council, the accompanying copy of a despatch‡ from the Governor-General of the Commonwealth of Australia, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

2. I am also to enclose a draft of a despatch|| which, with the concurrence of the Lord President, it is proposed to address to the Governor-General of the Union of South Africa, stating that it is presumed that the Union Government will agree, in view of the unanimous opinion of the other self-governing Dominions and the Australian States, that the proposal for making a change should not be persisted in.

I am, &c.,  
H. W. JUST.

2440

No. 50.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 21st January, 1914.)

[Answered by No. 53.]

SIR,

Privy Council Office, London, S.W., 20th January, 1914.

REFERRING to your letter undated (43023/1913), received at this Office on the 15th instant,¶ enclosing a copy of a despatch from the Governor-General of the

\* No. 176 in Dominions No. 45. † No. 175 in Dominions No. 45. ‡ No. 178 in Dominions No. 45.  
§ No. 177 in Dominions No. 45. || See No. 51. ¶ No. 49.

Commonwealth of Australia, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council, I am directed by the Lord President of the Council to state that His Lordship concurs in the terms of the draft despatch (enclosed in your letter) which Mr. Secretary Harcourt proposes to address to the Governor-General of the Union of South Africa in the matter.

I am, &c.,  
ALMERIC FITZROY.

43023

No. 51.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 52.]

(No. 71.)

MY LORD,

Downing Street, 12th February, 1914.

WITH reference to my despatch No. 542 of the 9th December,\* I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a despatch† from the Governor-General of the Commonwealth of Australia, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

2. As your Ministers will have learned from the despatches copies of which have been forwarded to you in my despatch under reference, and previous correspondence, the Governments of all the other self-governing Dominions and of the Australian States have concurred in the view that the existing practice of the Judicial Committee should not be altered, and in the circumstances I presume that your Ministers would not desire that an exception to this procedure should be made applicable only to the very limited number of cases which may be brought on appeal from the Appellate Division of the Supreme Court of the Union of South Africa.

I have, &c.,  
L. HARCOURT.

12675

No. 52.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th April, 1914.)

(No. 144.)

SIR,

Governor-General's Office, Cape Town, 19th March, 1914.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 71 of the 12th February,‡ a copy of a Minute, No. 198, from Ministers, dated 17th March, on the subject of the publication of dissenting opinions in the case of judgments by the Judicial Committee of the Privy Council.

I have, &c.,  
GLADSTONE,  
Governor-General.

Enclosure in No. 52.

(Minute No. 198.)

Prime Minister's Office, Cape Town, 17th March, 1914.

MINISTERS have the honour to acknowledge receipt of His Excellency's minute No. 48/461 of the 5th March, transmitting a copy of a despatch, No. 71, dated 12th February last, relative to the publication of dissenting opinions of the Judicial Committee of the Privy Council.

\* No. 176 in Dominions No. 45. † No. 178 in Dominions No. 45. ‡ No. 51.



Ministers have perused with much interest the several despatches and the correspondence which have from time to time been transmitted to them by His Excellency on this subject, and feel that, in view of the very limited number of appeals that can, under the South Africa Act, be heard by the Judicial Committee from the Supreme Court of South Africa, they would not be justified in asking that exception shall be made in the case of the Union to the retention of the existing practice of not publishing dissenting opinions.

LOUIS BOTHA.

12675

No. 53.

## COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

SIR, Downing Street, 12th May, 1914.  
WITH reference to your letter of the 20th January,\* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lord President of the Council, copy of a despatch† from the Governor-General of the Union of South Africa, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I am, &c.,  
HENRY LAMBERT.

12675

No. 54.

## THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNORS.

(Canada. No. 354.)	(South Australia. No. 35.)
(Australia. No. 286.)	(Western Australia. No. 35.)
(New South Wales. No. 60.)	(Tasmania. No. 36.)
(Victoria. No. 30.)	(New Zealand. No. 201.)
(Queensland. No. 40.)	(Newfoundland. No. 148.)

[SIR,] [MY LORD,]  
Downing Street, 12th May, 1914.  
WITH reference to [my despatch No. (27), (6), (4), (8), (5), (7), (7), (18), (16), of the 14th January,†] [To the Commonwealth only:—Your Excellency's despatch No. 264, of the 11th November last,§] I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, copies of a despatch† from the Governor-General of the Union of South Africa, on the subject of the publication of dissenting opinions in the case of judgments delivered by the Judicial Committee of the Privy Council.

I have, &c.,  
L. HARCOURT.

\* No. 50. † No. 52. ‡ No. 48. § No. 178 in Dominions No. 45.

## RESOLUTION X.: NATURALIZATION.

That the Conference approves the scheme of Imperial citizenship, based on the following five propositions:—

- (1) Imperial nationality should be world-wide and uniform, each Dominion being left free to grant local nationality on such terms as its Legislature thinks fit.
- (2) The Mother Country finds it necessary to maintain five years as the qualifying period. This is a safeguard to the Dominions as well as to her, but five years anywhere in the Empire should be as good as five years in the United Kingdom.
- (3) The grant of Imperial nationality is in every case discretionary and this discretion should be exercised by those responsible in the area in which the applicant has spent the last twelve months.
- (4) The Imperial Act should be so framed as to enable each self-governing Dominion to adopt it.
- (5) Nothing now proposed would affect the validity and effectiveness of local laws regulating immigration and the like or differentiating between classes of British subjects.

19392

No. 55.

CANADA.

## THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.25 p.m., 26th May, 1914.)

TELEGRAM.

[Answered by No. 58.]

YOUR telegram 22nd May.\* Canadian Parliament may adopt following strongly urged amendment to Naturalization Bill.

Section 2, Sub-Section B: the provisions of Sub-Section B requiring adequate knowledge of either the English or French language, shall not apply to aliens whose period of residence in Canada has commenced or shall have commenced before the coming into force of that Act.

Early reply urgently desired, as Parliament will probably prorogue in a week.—

ARTHUR.

19392

No. 56.

## COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 57.]

SIR, Downing Street, 30th May, 1914.  
WITH reference to the letter from this Department of the 29th ultimo,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, copy of a telegram‡ from the Governor-General of Canada, regarding the possibility of the adoption by the Canadian Parliament of an amendment to paragraph (b) of Sub-Section (1) of Section 2 of the British Nationality and Status of Aliens Bill.

2. It seems clear that the adoption of such an amendment as that proposed would necessitate the amendment of Section 8 of the Bill, supposing that it is intended to make the class of aliens referred to eligible for Imperial naturalization.

3. Neither Section 2 nor Section 8 can properly be amended without the consent of all the Dominion Governments: Mr. Harcourt is, therefore, of the opinion that the reply to this telegram should make it clear that, so far as eligibility for Imperial naturalization is concerned, the proposed amendment cannot be accepted, though it is, of course, open to the Canadian Parliament to adopt any conditions that may commend themselves for purely local naturalization.

4. Before replying on these lines, however, Mr. Harcourt would be glad to be favoured with any observations which Mr. McKenna may have to offer.

I am, &c.,  
HENRY LAMBERT.

\* 18582: SECRETARIAT NOTE:—This and some previous telegrams are not printed. They referred to the probable date of passing the Imperial Act. † 13034: not printed. ‡ No. 55.



20015

No. 57.

HOME OFFICE to COLONIAL OFFICE.

(Received 2nd June, 1914.)

[Answered by L.F. transmitting a copy of No. 58.]

SIR,

Home Office, Whitehall, 1st June, 1914.

IN reply to your letter of the 30th ultimo,\* enclosing a copy of a telegram from the Governor-General of Canada, regarding the possible adoption by the Canadian Parliament of an amendment to paragraph (b) of Sub-Section (1) of Section 2 of the British Nationality and Status of Aliens Bill, so as to provide that the requirement as to knowledge of either the English or French language shall not apply to aliens whose period of residence in Canada has commenced or shall have commenced before the coming into force of the Act, I am directed by Mr. Secretary McKenna to say that he agrees that the reply should be to the effect that such a provision cannot be adopted as regards Imperial naturalization, and cannot therefore be inserted in the Bill, but that it is open to the Canadian Parliament to adopt it in any local enactment or rules as regards naturalization in Canada.

I am to suggest that it might be advisable to add a caveat as to the form of the provision which the Canadian Government may make in any local Bill.

I am, &amp;c.,

E. BLACKWELL.

19392

No. 58.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.17 p.m., 1st June, 1914.)

TELEGRAM.

[Copy to Home Office, 3rd June, 1914. L.F.]

YOUR telegram 26th May.† As far as concerns eligibility for Imperial naturalization, proposed amendment in Canadian Naturalization Bill would necessitate amendment in Part 2 of the Imperial Bill, and such amendment cannot now properly be made without consent of all Dominions, who would have to introduce similar amendment into their adoptive legislation. It is, of course, open to your Government to adopt any provisions for purely local naturalization.—HARCOURT.

21112

No. 59.

HOME OFFICE to COLONIAL OFFICE.

(Received 9th June, 1914.)

[Answered by No. 62.]

SIR,

Home Office, Whitehall, 9th June, 1914.

WITH reference to the copy of the Canadian Naturalization Bill forwarded in your letter of the 5th instant (19732/1914),‡ I am directed by Mr. Secretary McKenna to say that the form of the Bill, particularly as regards Part II., appears to him to involve considerable difficulties. It is to be observed that there is nothing in the Bill answering directly to the provisions of Clauses 8 and 9 of the Imperial Bill with regard to the adoption of the latter Bill by the Dominions. Clause 8 of the Canadian Bill is presumably intended to provide for the validity in Canada

\* No. 56. † No. 55. ‡ Not printed.

of certificates granted in other parts of His Majesty's Dominions: but its form, purporting (as it seems to do) to confer powers upon the Home Government and upon the Governments of other parts of the Dominions, appears open to criticism on the ground that one Dominion has no power to confer powers on other Governments. In the second place, it is by no means clear that a certificate granted by the Canadian Government would under Clauses 2 and 3 of the Canadian Bill run in other parts of the Dominions. In short, there appears to Mr. McKenna to be grave doubt whether the Canadian Bill provides an effective adoption of Part II. of the Imperial Bill.

Any doubt which there may be as to the effect of Part II. of the Canadian Bill is important from another point of view, viz., that of the amendment which, according to reports which Mr. McKenna has seen in the newspapers, has been made in the Bill, substituting a residence of three years instead of five years as the qualification for naturalization. Mr. McKenna presumes that it is intended that the shorter period should apply only to local Canadian naturalization, and he does not desire to object to that, but if it has been inserted in such a way that it could be argued to have effect for the purpose of Imperial naturalization (whether by the Canadian or by any other Government), he thinks that strong objection must be taken to it.

Assuming that it is not desirable or possible at the present stage to take exception to the general form of the Bill, including the re-enactment of Parts I. and III. of the Imperial Bill, Mr. McKenna suggests that, perhaps, the point as to Part II. might be met by inserting at the beginning of Part II. of the Canadian Bill words to the effect that "Part II. of the Imperial Act is hereby adopted and accordingly the following provisions shall have effect . . ." If this course is taken, amendments might be made at the beginning of Clause 8 to the effect that "Certificates granted by the Secretary of State at home and the Governments of any British Possessions in pursuance of the Imperial Act (as originally enacted or as adopted by the legislature of any Dominion) should have effect in Canada as if they had been granted by the Secretary of State of Canada, &c., &c."

Mr. McKenna would only add that, assuming that the general form of the Bill is to be maintained, it becomes of even greater importance than before that no amendments in Parts I. and III. of either the Canadian Bill or the Imperial Bill should be made. Otherwise serious confusion, and even conflict, between the two codes of law might arise.

I am, &amp;c.,

EDWARD TROUP.

21112

No. 60.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.45 p.m., 10th June, 1914.)

TELEGRAM.

[Copy to Home Office, 10th June, 1914. L.F.]

[Answered by No. 61.]

YOUR despatch 20th May, No. 287.\* Naturalization Bill. I am advised that there is great doubt whether Clause 8 is sufficient to bring Part II. Imperial Bill in force in Canada. In form it purports to confer powers upon Home Government and Governments of other Dominions, and is therefore open to objection *inter alia* that powers cannot thus be conferred. It is very doubtful whether Canadian naturalization would, as Bill now stands, be effective in other parts of Empire. I would suggest, therefore, that there should be inserted at beginning Part II. Canadian Bill words to effect that Part II. of the Imperial Act is hereby adopted and accordingly the following provisions shall have effect, and that Clause 8 should

\* 19732: not printed.



read, "certificate granted by the Secretary of State and the Governments of any British Possessions in pursuance of the Imperial Act, as originally enacted or adopted by the legislature of any Dominion shall have effect in Canada as if they had been granted by the Secretary of State of Canada."

Press report states that period for naturalization has been reduced to three years. As explained in my telegram 1st June,\* there is no objection to any period being adopted as regards local naturalization, but for purposes of Imperial naturalization it is indispensable that period of five years agreed to at Imperial Conference and provided in Imperial Bill should be adhered to.—HARCOURT.

21524

No. 61.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 12th June, 1914.)

TELEGRAM.

[Answered by No. 65.]

YOUR telegram of 10th June.† Canadian naturalization adopts verbatim Sections 1 to 7 inclusively of Imperial Act, substituting Secretary of State for Canada for Secretary of State, as provided by Sections 8 and 9 of Imperial Act, and Canadian Section 8 effectually adopts all provisions of Imperial Act. Respectfully submit certificates by whomsoever or wheresoever issued, in order to be effective in Canada, must constitutionally be issued under powers conferred by Canadian Parliament, which, according to their view, is only Parliament that is not‡ constitutionally competent to accomplish that result. If Clause 8, Imperial Act, should be made to correspond with (to) section you have suggested for adoption by Canadian Parliament, and in view of conferring powers on Governments of Dominions, should provide that "certificates granted by the Government of any self-governing Dominion in pursuance of an Act of its Parliament adopting this the Imperial Act shall have the same effect as if granted by the Secretary of State under that Act," they will see no objection to adopting suggested clause, but if Imperial Act proceeds by conferring power on Government of Canada as necessary to make certificates effective in the United Kingdom, it seems constitutionally equally necessary to effectiveness in Canada that certificate of United Kingdom and other Dominions should be issued under powers conferred by Canada.

?Period for Imperial naturalization fixed by Canadian Bill at five years. Three years is continued temporarily, but for local naturalization only.—ARTHUR.

21524

No. 62.

COLONIAL OFFICE to HOME OFFICE.

[Answered by 23116: not printed.]

SIR,

Downing Street, 16th June, 1914.

WITH reference to your letter of the 9th instant,§ and to the letter from this Office of the 10th idem,|| I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, copy of a telegram¶ from the Governor-General of Canada, relative to the Canadian Naturalization Bill.

2. The Canadian Parliament having been prorogued on the 12th instant, nothing can be done by way of Canadian legislation to make it clear that the Canadian Bill is to be regarded as an adoption of Part II. of the Imperial Act until the next session of the Dominion Parliament. Mr. Harcourt is advised that the matter could be placed beyond further question by the addition of appropriate provisions to the Imperial Bill, but he feels doubt whether His Majesty's

\* No. 58. † No. 60. ‡ ? an error for "that is." § No. 59. || L.F. transmitting a copy of No. 60. ¶ No. 61.

Government should propose any amendment of the Imperial Bill at the present stage, and he is inclined to think that His Majesty's Government should leave the matter for consideration by the Canadian Parliament when it reassembles. It will be observed from Clause 32 of the Canadian Act, that it is not to be brought into operation until 1st January, 1915. He will, however, be glad to be favoured with Mr. McKenna's observations on the point, and as to the nature of the reply to be returned to the Governor-General. The draft of a telegram\* to His Royal Highness, which has been prepared in this Office, is enclosed. To facilitate discussion, a passage beginning "Alternative course is that His Majesty's Government," has been added to the draft telegram, to indicate how Mr. Harcourt would propose to proceed if amendment of the Imperial Bill is to be regarded as now practicable.

I am, &amp;c.,

HENRY LAMBERT.

21524

No. 63.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.15 p.m., 17th June, 1914.)

TELEGRAM.

[Answered by No. 64.]

(Extract.)

HAS Naturalization Bill been passed by Parliament? Please telegraph reply.—HARCOURT.

23030

No. 64.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 a.m., 25th June, 1914.)

TELEGRAM.

[Copy to Home Office, 26th June, 1914. L.F.]

(Extract.)

YOUR telegram 17th June.† Naturalization Bill passed and received Royal Assent, 12th June. Certified copies being forwarded by mail.‡—ARTHUR.

23116

No. 65.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6 p.m., 1st July, 1914.)

TELEGRAM.

[Answered by No. 66.]

YOUR telegram 11th June.§ His Majesty's Government fully accept view that certificates of Imperial naturalization by whomsoever or wherever issued must, according to constitutional practice, to be effective in Canada, be made so effective by Canadian Parliament. Imperial Bill is based on this view. His Majesty's

\* See No. 65 for final form. † No. 63. ‡ 4-5 Geo. V., chap. 44. § No. 61.



Government do not understand why, for this purpose, the Canadian Act should take the form of conferring power to grant certificates under Imperial Bill on Imperial and other British Governments. Amended form of Clause suggested in previous telegram\* would have sufficed. This, however, is mainly point of form. The important matter from practical point of view is that, except under authority of Imperial Parliament, certificates granted under Canadian law cannot have same effect outside Canada as certificates granted under Imperial Bill. Section 8 of Canadian Act does not provide for this. The necessary authority is conferred by Imperial Bill, but Imperial Bill prescribes adoption of Part II. as a condition to operation of such authority. This feature of Bill was accepted by Canadian Government in common with Governments of other self-governing Dominions.

Further point now arises in view of passing of Canadian Act and prorogation of Canadian Parliament, namely, it is questionable whether Act passed before passage of Imperial Act could in any case be regarded as adoption of Imperial Act. If the position outside Canada of persons naturalized in Canada under Canadian Act is to be placed beyond doubt, it would appear to be necessary that your Ministers should pass amending measure on reassembling of Canadian Parliament.

Alternative course is that His Majesty's Government should ask Parliament to add fifth sub-section to Clause 9 of the Imperial Bill in the following terms:—

Part II. of the Naturalization Act, 1914, of Canada shall, notwithstanding its enactment before the passing of this Act, be deemed to be an adoption by the Legislature of that Dominion of this part of this Act.

Second course is not without difficulty for His Majesty's Government, but if your Ministers prefer it to the first, His Majesty's Government are prepared to adopt it.

Please telegraph reply immediately.—HARCOURT.

24943

No. 66.

CANADA.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.15 a.m., 8th July, 1914.)

TELEGRAM.

[Answered by No. 68.]

YOUR telegram 1st July.† Canadian Parliament enacted Section 8, Naturalization Act, in precise form of Section 8 of Imperial Act Bill. My Government has difficulty in perceiving why His Majesty's Government do not understand reason of Canadian Act taking form of conferring power. Canada accepted form of Imperial Act, as pointed out in previous despatch;‡ if Imperial Act had been in form suggested in your [? my] previous telegram,§ Canada would have adopted it. My Government do not understand why necessity of adoption of Part 2 of Imperial Act is in your despatch† insisted on as condition of operation of authority conferred by Imperial Act. My Government accepted this condition and Canada has fulfilled it, having, as pointed out in your telegram,§ adopted *verbatim et literatim* provisions of Part 2 of Imperial Act.

As to point raised now, that it is questionable whether Canadian Act, being passed before passage of Imperial Act, could in any case be regarded as adoption of Imperial Act, would point out both Acts are made to come into effect on 1st January next. Both speak on that date. Canadian adoption is, therefore, simultaneous with Imperial enactment. In opinion of Government of Canada, this puts beyond doubt effectiveness of Canadian adoption, notwithstanding date of passage. If, however, after further consideration, confirmatory legislation be deemed advisable, it is to Government of Canada quite clear that such legislation should be, and must be, by Canadian, and not by United Kingdom, Parliament. If present Canadian legislation does not effectively adopt Part 2 of Imperial Bill constitutionally, Canadian Parliament alone can give it that effect.

\* No. 60. † No. 65. ‡ No. 200 in Dominions No. 45. § No. 61.

24943

No. 67.

COLONIAL OFFICE to HOME OFFICE.

SIR,

Downing Street, 11th July, 1914.

WITH reference to the letter from this Office of the 3rd July,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Mr. Secretary McKenna, the accompanying copy of a telegram† from the Officer Administering the Government of Canada, on the subject of the Naturalization Act of the Dominion, from which it will be seen that the Canadian Government do not desire that the suggested amendment of the Imperial Bill should be proposed to Parliament.

2. Mr. Harcourt thinks it desirable that the opinion of the Law Officers of the Crown should be taken on the points arising out of the Canadian Act which have been discussed in recent telegraphic correspondence. A draft of the reference will be submitted to you for Mr. McKenna's approval in due course.‡

I am, &amp;c.,

HENRY LAMBERT.

30597

No. 68.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 7 p.m., 20th August, 1914.)

TELEGRAM.

[Answered by No. 71.]

20TH AUGUST.—Your telegram 7th July.† Imperial Nationality Act now passed. Copies being sent to you by mail.§ Sub-section 5 of Section 2 has been altered to read as follows:—

In the case of a woman who was a British subject previously to her marriage to an alien and whose husband has died or whose marriage has been dissolved the requirements of this section as to residence shall not apply and the Secretary of State may in any other special case, *et cetera*.

Proviso added to Section 10 as follows:—

Provided that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject.

I would suggest, for consideration of your Government, that it might be advisable to take advantage of present Session of Parliament to amend Canadian Act in conformity with alterations made in Imperial Act if they commend themselves to your Ministers, and at the same time to remove any doubt as to whether Part II. of Canadian Act constitutes the adoption of Part II. of Imperial Act. Am advised that question cannot be regarded as free from doubt, and that it would be desirable, in interests of persons affected, to remove any possibility of difficulty arising in future.—HARCOURT.

\* 23685: not printed. † No. 66. ‡ SECRETARIAT NOTE:—It was subsequently decided not to proceed with this reference. See the Canadian Amending Act 5 Geo. V., chap. 7. § See No. 69.



30597

No. 69.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Secret (2).)

SIR, Downing Street, 20th August, 1914.  
 WITH reference to my telegram of the 20th of August,\* I have the honour to transmit to Your Royal Highness, for the information of your Ministers, copies of the British Nationality and Status of Aliens Act, 1914.†

I have, &amp;c.,

L. HARCOURT.

30597

No. 70.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Australia. Secret.)

(New Zealand. Secret.)

(Union of South Africa. Secret (2).)

(Newfoundland. Secret.)

[MY LORD,]

[SIR,]

Downing Street, 20th August, 1914.  
 WITH reference to previous correspondence I have the honour to transmit to [Your Excellency] [you], to be laid before your Ministers, copies of the British Nationality and Status of Aliens Act, 1914.†

2. I have to invite the special attention of your Ministers to the alteration which has been made in Section 2, Sub-Section (5), of the Act, and to the proviso added to Section 10 of the Act. These alterations were made in deference to the strongly expressed wishes of the House of Commons, and it is understood that they are likely to prove acceptable to your Ministers.

I have, &amp;c.,

L. HARCOURT.

35917

No. 71.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8.55 p.m., 19th September, 1914.)

TELEGRAM.

[Copy to Home Office, 22nd September, 1914. L.F.]

19TH SEPTEMBER. Your telegram of 20th August.‡ Imperial Nationality Bill. Special Act was passed at extraordinary session of Parliament. Copies of Act will be sent as soon as it is printed.—ARTHUR.

37812

No. 72.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2nd October, 1914.)

[Copy to Home Office, 9th October, 1914.]

(No. 558.)

SIR, Government House, Ottawa, 22nd September, 1914.  
 WITH reference to your telegram of the 20th August‡ and to my telegram of the 19th instant,§ on the subject of the Act to amend the Naturalization Act, 1914,

\* No. 68. † 4 and 5 Geo. V., chap 17. ‡ No. 68. § No. 71.

I have the honour to transmit herewith copy of a letter from the Secretary of State for External Affairs covering two copies of the Act as passed on the 22nd August. There was no discussion in either House on the Bill.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 72.

FROM THE DEPARTMENT FOR EXTERNAL AFFAIRS TO THE GOVERNOR-GENERAL'S  
SECRETARY.

SIR,

Ottawa, 19th September, 1914.

WITH reference to a telegraphic despatch from the Secretary of State for the Colonies to His Royal Highness the Governor-General, dated 20th August, 1914, on the subject of naturalization, I have now the honour to enclose a copy of an Act passed at the recent Session of the Parliament of Canada, entitled "An Act to amend the Naturalization Act, 1914," and to request that His Royal Highness may be humbly moved to cause the same to be transmitted to the Secretary of State for the Colonies.

I have, &amp;c.,

JOSEPH POPE,

Under-Secretary of State for External Affairs.

The Governor-General's Secretary,  
Ottawa.

AN ACT TO AMEND THE NATURALIZATION ACT, 1914.

[Chap. 7.]

[Assented to 22nd August, 1914.]

WHEREAS by *The Naturalization Act, 1914*, the Dominion of Canada adopted <sup>Preamble.</sup> Part II. of the *British Nationality and Status of Aliens Act, 1914*, passed by the Parliament of the United Kingdom, which was before the said Parliament at the time of the passing of *The Naturalization Act, 1914*, and which received the assent of His Majesty on the seventh day of August, one thousand nine hundred and fourteen; and whereas amendments were made in Parts II. and III. of the said Act while it was being passed by the Parliament of the United Kingdom which are not contained in *The Naturalization Act, 1914*, and it is desirable that correspond- 1914, c. 44.  
ing amendments be made in *The Naturalization Act, 1914*: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-section 5 of section 2 of *The Naturalization Act, 1914*, chapter 44 of the statutes of 1914, is repealed and the following is substituted therefor:—

"5. In the case of a woman who was a British subject previously to her marriage to an alien and whose husband has died, or whose marriage has been dissolved, the requirements of this section as to residence shall not apply, and the Secretary of State may, in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application."

2. Section 10 of the said Act is amended by adding thereto the following proviso:—

"Provided that where a man ceases during the continuance of his marriage to be a British subject, it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject."

3. Paragraph (b) of section 25 of the said Act is repealed and the following is enacted in lieu thereof:—

"(b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality."



48222

No. 73.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4th December, 1914.)

(Secret.)

SIR, Government House, Wellington, 21st October, 1914.

WITH reference to your Secret despatch of the 20th August,\* forwarding copies of the British Nationality and Status of Aliens Act, 1914, and inviting the special attention of my Ministers to certain alterations which have been made in the Act, I have the honour to transmit to you the accompanying copy of a communication addressed to me by the Prime Minister, stating that the Act arrived too late to enable the New Zealand Parliament to deal with it during the present session, but that the necessary legislation will be introduced next session.

I have, &c.,  
LIVERPOOL,  
Governor.

Enclosure in No. 73.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

(Secret.)

Prime Minister's Office, Wellington, 15th October, 1914.

THE Prime Minister presents his compliments to His Excellency the Governor and, with reference to the attached Secret despatch covering copies of the British Nationality and Status of Aliens Act, 1914, begs to state that the Act has been received too late to enable the Parliament of this Dominion to deal with it during this session, but that the necessary legislation will be introduced next session, and respectfully requests that the Secretary of State be so informed.

H. D. BELL,  
for the Prime Minister.

\* No. 70.

## RESOLUTION XIV.: CHEAPER CABLE RATES.

That, in view of the social and commercial advantages which would result from increased facilities for intercommunication between her dependencies and Great Britain, it is desirable that all possible means be taken to secure a reduction in cable rates throughout the Empire.

25358

No. 74.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Copy to Treasury and Pacific Cable Board, 2nd August, 1913. L.F.F.]

(Canada. No. 575.)  
(Australia. No. 441.)  
(New Zealand. No. 291.)

[SIR,] [MY LORD,]

Downing Street, 1st August, 1913.

WITH reference to Mr. Lyttelton's despatch No. [274,] [136,] [56,] of the 3rd August, 1905,\* I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a letter addressed by the Chairman of the Pacific Cable Board to the Lords Commissioners of His Majesty's Treasury, forwarding a Memorandum on the subject of the terminal rates charged on Pacific Cable traffic in the Commonwealth of Australia and New Zealand respectively.

2. The Lords Commissioners of the Treasury desire to point out, as regards the statement made in paragraph 5 of the Memorandum, that it cannot be assumed that the revenue derived by the Imperial Post Office directly and indirectly in respect of Pacific Cable traffic amounts even approximately to  $\frac{1}{4}$ d. a word on the total Pacific Cable traffic with the United Kingdom.

3. The Lords Commissioners also express the opinion that either of the arrangements suggested in paragraphs 11 to 14 of the Memorandum would be more equitable to the taxpayers of this country than that at present in force.

4. I shall be glad to receive an intimation of the views of your Ministers upon the questions raised in the Memorandum.

I have, &c.,  
L. HARCOURT.

Enclosure in No. 74.

The Pacific Cable Board, Queen Anne's Chambers, S.W.,

27th November, 1912.

SIR,

I HAVE the honour to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that the Postmaster-General of New Zealand has recently drawn attention to the inequality of the terminal rates charged on Pacific Cable traffic in Australia and New Zealand respectively, and has asked that "the matter may be looked into with a view to determining whether some concession cannot be made to the New Zealand public."

The question thus raised is not a new one. It was discussed with considerable animation at the time when the Pacific Cable was first opened for traffic, in 1902-3, both by this Board and by the several Governments interested in the cable; and it was also considered by the Pacific Cable Conference which sat in 1905 under the presidency of Mr. Secretary Lyttelton. Now that it has been revived my Board feel that, while it may constitute a legitimate subject of discussion between the Governments interested in the cable, it does not lie with us to do more than to invite their attention to the views expressed by the New Zealand Government, and to offer such assistance as we can towards the consideration of them, by recalling the facts and past history of the question, and by indicating such solutions of it as appear to us to be deserving of examination.

\* 27255: not printed.



## RESOLUTION XIV.: CHEAPER CABLE RATES.

I have accordingly been authorized to forward to you copies of a memorandum which has been drawn up with this latter object, and to suggest that, should their lordships be so pleased, they should move the Secretary of State for the Colonies to communicate it to the Governments of Canada, Australia, and New Zealand with such expression of opinion on the subject as may commend itself to His Majesty's Government.

I have, &c.,  
H. W. PRIMROSE,  
Chairman.

The Secretary,  
His Majesty's Treasury, Whitehall.

16395

## MEMORANDUM RESPECTING AUSTRALIAN TERMINAL RATES.

1. IN May last our Manager in the Pacific received, from the Secretary to the New Zealand Post Office, the letter of which the following is a copy:—

SIR,  
General Post Office, Wellington,  
7th May, 1912.  
*International Cable Messages.*

I have the honour to inform you that the Honourable Mr. Ell, Postmaster-General, has been looking into the question of terminal rates, and is not at all satisfied that the charge for cable messages to and from New Zealand should be the same as to and from Australia, seeing that the Commonwealth Government receives a terminal rate of 5d. while New Zealand receives 1d. only. I am, therefore, directed to ask that the matter be looked into with a view to determining whether some concession cannot be made to the New Zealand public. I should be obliged if you would favour me with any information you have on the subject.

I am, &c.,  
D. ROBERTSON,  
Secretary.

The Manager in the Pacific,  
Pacific Cable Board.

2. He replied that the matter was one with which he had neither the authority nor the requisite information to enable him to deal; but that he would refer it to the Board. He accordingly did so, but consideration of the subject has been deferred in consequence of the vacancy in the New Zealand representation on the Board. Now that the Board is again complete it becomes necessary to give it our attention.

3. The question raised by the New Zealand Government is a highly important one. But clearly, also, it is one upon which the Board cannot itself adjudicate. It lies outside our province, and the most that we can properly do is to submit it for the consideration of the four Governments interested in the cable. It is for them to decide what, if anything, should be done in pursuance of the views of the New Zealand partner; and our intervention must be limited to presenting the case to them in a convenient form. In this way I think we can be of use to them, because we are intimately acquainted with all the facts and the past history of the question, and are also in a position that gives us special advantages for indicating the various alternative courses that might be followed if it should be held that existing arrangements call for readjustment. It is from this point of view that I have drawn up this statement, which I now submit for the consideration of the Board. If found acceptable, it might serve later for the purpose of making the several Governments acquainted with the main features and bearings of the case put forward for consideration by the New Zealand Government.

4. The facts are briefly as follows. Limiting ourselves to the rate on ordinary traffic (which is the basis for all other rates), the several Governments interested in the Pacific Cable receive out of the 3s. per word through-rate the following amounts in respect of the inland service in each State:—

## RESOLUTION XIV.: CHEAPER CABLE RATES.

United Kingdom (either directly or indirectly)	... ½d. per word.
Australia	... 5d. " "
New Zealand	... 1d. " "
Canada (telegraphs not being a State service)	... Nil.

5. In the United Kingdom the ½d. is only directly charged when a message is sent over the postal wires. But, inasmuch as the cable companies pay a rent for their private wires, it may, perhaps, be assumed that the British Post Office does receive in revenue about ½d. per word on all Pacific Cable traffic, or the same amount as is charged on any inland telegram. Similarly, in New Zealand, the Government receives on such traffic the same amount as it does on "urgent inland messages" (though its rate on ordinary messages is only ½d.). But in Australia our traffic is charged 5d. per word, although their ordinary inland rate is only 1d. per word, with a differential rate of 2d. per word on urgent messages. Thus, while the United Kingdom, Canada and New Zealand may be said to extend to our traffic "most favoured nation" treatment, Australia penalises it heavily. The position is certainly anomalous, and the anomaly becomes all the more conspicuous if we consider what happens at the northern end of our system. When the scheme for the Pacific Cable was being perfected it was arranged, through the good offices of the High Commissioner for Canada, that the Canadian Pacific Railway and its ally, the Commercial Cable Company, should concede our traffic a preferential rate of 1s. per word between the United Kingdom and Bamfield, as against the rate of 1s. 6d. per word payable by the public. The Anglo Company were compelled to make a similar concession, as the price for obtaining a share of the traffic; but they did so grudgingly and have hitherto always regarded it as a grievance. But for this concession it would have been impossible for the rate by the Pacific route to have been fixed as low as 3s. a word (the rate already in operation on the Eastern route) without incurring a loss that would have been almost prohibitive of the scheme. The contrast between the treatment of our traffic at one end of our system by companies trading for profit and that which it receives at the other end from one of the associated States is certainly remarkable. But in regard to it there are, I think, two things that must be said in extenuation:—

(i.) That circumstances connected with the history of the establishment of cable communication with Australia (more especially the heavy cost incurred in making land-line connexions with the cables) explain, and, at any rate as regards the past, go far to justify, a somewhat high terminal charge; and

(ii.) That in any case Australia is the proper judge of the charge that circumstances require her to make on the admission and transmission of telegraphic traffic, just as she must be of the duties to be charged on imported goods. The Pacific Cable partnership gives her associates no title to interfere in such matters.

6. But while it is unquestionable that each of the States associated in the enterprise must be left free to determine the conditions on which it will handle the traffic arising from the cables that land on its shores, it may not unreasonably be asked whether, in settling the accounts of the partnership, the revenue that each may derive from the Pacific Cable traffic for its own separate use should not be brought into the calculation. Whether the revenue to be brought in should be gross or net would be a point for consideration. But to leave it altogether out of account, when the charges made by the several States are not fixed on any common basis, certainly leads to very anomalous results.

7. That this would be the case was foreseen from the first, and a warm discussion on the subject took place in 1902-3. It resulted in the drawing up of a Memorandum by the then Chairman of the Pacific Cable Board (Sir Spencer Walpole), in which it was suggested that, in calculating the liability of the several partners in respect of deficiency of revenue from the cable, each Government should be debited with a sum equal to the amount, if any, by which its receipts from terminal charges on Pacific Cable traffic exceeded the amount it would have received if its terminal charges had been at the same rate as its internal urgent rate of charge. This Memorandum was circulated to the several Governments, and considerable correspondence took place upon it. Eventually, no agreement having



been reached, further consideration was adjourned, pending the meeting of the Conference, to which another even more important issue, the Australian contracts of January, 1901, and June, 1903, with the Eastern Extension Company, were to be referred. The Conference met in 1905. But its attention was so much engrossed with this latter issue, and others arising out of it, that comparatively little discussion took place on the question of terminal rates; and all that the report said on it was contained in a single paragraph, as follows:—

"(9) It has been suggested that the Commonwealth Government should reduce their terminal rate to the level of the rate for urgent internal messages. The majority of us are of opinion that the rate of 5d. per word is excessive, and we trust that the Government will see their way to reduce it."

This expression of opinion did not lead to any result, and the question was tacitly allowed to drop.

8. Now the New Zealand Government revives the question. The lapse of time has aggravated, and will continue to aggravate, the defect in the existing arrangement, of which complaint is made. Growth of traffic, while diminishing on one hand the amount to be made good annually by the associated Governments, increases on the other the separate receipts of the States charging terminal rates; and already the point has been reached at which the separate revenue derived by the Commonwealth from the Pacific Cable traffic exceeds the amount which it has to contribute towards the shortage on the Board's accounts, so that Australia is making a profit out of the cable, while her three partners are still making a loss. It is easy to see that from their point of view this may be regarded as not an equitable position.

9. The New Zealand Government appears to suggest that the through rate between Europe and New Zealand should be reduced by at least some portion of the 4d. by which the Australian terminal rate exceeds the New Zealand terminal rate. This, no doubt, would redress the balance as between these two States. But it would do nothing to meet the similar claims that the United Kingdom and Canada might advance; on the contrary, it would increase the force of such claims, because it would lead to a loss of revenue from the Pacific Cable as a whole, and increase the deficiency which the partners have to make good. Moreover, it conflicts with a principle that is universally observed in connexion with ocean cable rates, and that for many reasons it is desirable to maintain—the principle that rates should be fixed, not in minute correspondence with distance, but by reference to zones of considerable area within which rates should be uniform. There are, however, alternatives which might be considered.

10. One that would have advantages from an imperial point of view, though at some cost, at any rate at first, to the cable revenue, would be that Australia should reduce her terminal rate by 3d. or 4d., so as to allow of reduction of the 3s. through rate to Australasia to 2s. 9d. or 2s. 8d., and thus to make a step towards the much-desired result of cheapening cable communication between the several States of the Empire. But this would be very costly to the Commonwealth, because she would lose not only on our traffic, but also on traffic via Eastern, which is double that via Pacific, and possibly she could not afford it at present.

11. Another possible alternative would be that the four Governments should leave existing terminal rates as they are, but should agree that in calculating the distribution, between the partners of loss, as it is now (or of profit, as we hope it soon may be), the amount of the gross revenue of each State from Pacific Cable traffic should be brought into the account, and added to the revenue shown in the Board's accounts. To the difference between the revenue thus augmented and the expenditure as shown in the Board's accounts the statutory distribution by eighteenthths would be applied, and a combination of the quotas thus ascertained with the amounts of the separate receipts of each State from Pacific Cable traffic would determine the liability (or share of profit) of the several partners.

12. Applying this formula to the figures of 1911-12 (slightly adapted so as to simplify the example) it would work out approximately as follows:—

Board's traffic revenue ... ..	£155,000
Australia (receipts from Pacific Cable traffic) ...	23,000
New Zealand (do. do.) ...	2,000
United Kingdom* (do. do.) ...	2,000
	182,000
Expenditure ... ..	200,000
Balance to be made good ... ..	£18,000

The total sum to be made good by the associated Governments would be £45,000 (being the difference between the revenue and expenditure, as shown in the Board's accounts, viz.: £200,000—£155,000); and this would accordingly be charged approximately as follows:—

United Kingdom ... ..	$\frac{1}{18}$ ths of £18,000 + £2,000 = £7,000
Canada ... ..	$\frac{1}{18}$ ths of " + Nil = 5,000
Australia ... ..	$\frac{1}{18}$ ths of " + 23,000 = 29,000
New Zealand ... ..	$\frac{1}{18}$ ths of " + 2,000 = 4,000
Total ... ..	£45,000

Under the existing system the liability for a sum of £45,000 would be apportioned as follows:—

United Kingdom ... ..	£12,500
Canada ... ..	12,500
Australia ... ..	15,000
New Zealand ... ..	5,000
	£45,000

13. This plan would avoid any necessity for examining or criticising the terminal rates charged by each country. On the other hand it might be thought to bear with undue hardship on Australia, where the cost of the inland service is, owing to distances and other conditions, probably exceptionally high. In that case we might revert to the plan proposed in 1902-3 by Sir Spencer Walpole. This would be in accordance with the opinion expressed by Sir W. Mulock, the representative of Canada at the 1905 Conference, when he said, "I should not like to assent to the view that any Government should charge more for Pacific Cable business than it charges for the most urgent kind of local or domestic business. That, I think, is the sound view to take."

14. Assuming that the Australian terminal rate were taken to be 3d. per word in excess of what it should be on Sir W. Mulock's hypothesis (and again slightly adapting the figures), this plan would work out as follows in a year in which the revenue and expenditure were approximately those of 1911-12 (but with an adverse balance of £44,000, instead of £45,000):—

Board's traffic revenue ... ..	£155,000
Australia (excess revenue on terminal rate—taken at 3d. per word) ... ..	14,000
United Kingdom, Canada, New Zealand (do.) ...	Nil
	169,000
Expenditure ... ..	199,000
Balance to be made good ... ..	£30,000

One-eighteenth of £30,000 is £1,666 $\frac{2}{3}$ .

\* Much of the Australasian traffic stops in North America.



## RESOLUTION XIV.: CHEAPER CABLE RATES.

Accordingly, the liability for the £44,000 by which the Board's revenue fell short of the expenditure (viz., £199,000—£155,000) would be distributed as follows:—

United Kingdom	£1,666 <sup>2</sup> / <sub>3</sub> × 5	...	...	=	£8,333 <sup>1</sup> / <sub>3</sub>
Canada	1,666 <sup>2</sup> / <sub>3</sub> × 5	...	...	=	8,333 <sup>1</sup> / <sub>3</sub>
Australia	1,666 <sup>2</sup> / <sub>3</sub> × 6 = £10,000 + £14,000	...	...	=	24,000
New Zealand	1,666 <sup>2</sup> / <sub>3</sub> × 2	...	...	=	3,333 <sup>1</sup> / <sub>3</sub>
Total					£44,000

15. The above seem to me the several alternatives that deserve consideration. No others at present occur to me.

H. W. PRIMROSE.

19th November, 1912.

32577

No. 75.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL  
AND GOVERNOR.

(Canada. No. 725.)

(New Zealand. No. 363.)

[SIR,] [MY LORD,]

Downing Street, 20th September, 1913.

WITH reference to my despatch No. [575,] [291,] of the 1st August,\* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a memorandum prepared by the Postmaster-General's Department of the Commonwealth of Australia, on the subject of the terminal rates charged on Pacific Cable traffic in the Commonwealth.

2. I should be glad to be favoured with an expression of the views of your Ministers on the subject in the light of this memorandum.

I have, &c.,

L. HARCOURT.

Enclosure in No. 75.

MEMORANDUM TO THE SECRETARY, DEPARTMENT OF EXTERNAL AFFAIRS,  
MELBOURNE.

No. 991/13.—*Australian Terminal Rates—Inequality of Terminal Rates charged on Pacific Cable Traffic in Australia and New Zealand respectively.*

WITH reference to the attached papers, containing a memorandum from the High Commissioner's Office, dated London, 20th December, 1913, No. 76/11, 8398, which you referred to this office on the 21st January last, number and subject as above, I am directed by the Postmaster-General to inform you that Sir Henry Primrose's letter has been given consideration and that, at the time the laying of the Pacific Cable was decided upon, the charges in Australia on cable traffic were as high as 11d. per word; 7d. per word being payable to South Australia in connexion with the erection and maintenance of the overland line to Darwin, and the balance payable to other States transited by the cable business, and varying according to the State of origin or destination, the States being at that time separate entities. Almost concurrently, however, with the opening of the Pacific Cable, Australia entered the International Telegraph Union as one Administration. Under this convention each Administration has the right to decide what its rates shall be for terminal and transit services, the only restriction being that all parties making use of those services must be charged the same rate. And it, therefore, followed that, as the Commonwealth had entered the International Union as one Administration, one rate had to be fixed in lieu of the varying ones which had been in existence while the States were separate Administrations, and that the Pacific

\* No. 74.

## RESOLUTION XIV.: CHEAPER CABLE RATES.

Cable Board and the Eastern Extension Company had to be placed on precisely the same footing as regards our transit and terminal rate. In fixing that rate two considerations had to be kept in view, viz., the interest of the Pacific Cable, in which Australia was a partner, and the fact that for business via the "Eastern" route not only had an expensive line from Port Darwin to Adelaide to be maintained, but also that under agreements entered into by the State Governments with the Eastern Extension Company special lines had to be provided, as, for example, the one between Adelaide and Sydney, for that Company's traffic. In view of the long and expensive lines which the Commonwealth was thus compelled to maintain for purely cable purposes, and considering the length of its ordinary lines throughout the Commonwealth, Australia would have been not only within its rights, but would have been justified, in fixing as its transit and terminal rate the maximum charge of 11d. then in force, but, with a view of assisting the Pacific Cable by giving the Pacific Cable Board as large a proportion as possible of the 3s. a word which it had been decided to charge the public on messages to and from the United Kingdom, the Commonwealth agreed to fix its rate at 5d., thus sacrificing a considerable amount of revenue, estimated at that time at over £12,000 a year, a fact which appears to be lost sight of whenever the Commonwealth transit and terminal rate is criticized.

2. The fact that the Commonwealth has fixed its rate for its inland business at a figure which is notoriously below the cost of rendering the service is no argument in favour of dealing similarly with cable traffic. Apart from this, cable business is given precedence over ordinary business—even over "urgent" business, for which double the ordinary rate is charged—and is composed of code words, for which also a special charge is levied, so that, even comparing the cable business with Commonwealth inland telegrams, and basing the charges on the same principle, a cable message should pay something in excess of 4d. a word. Thus ordinary inland messages are charged roughly 1d. per word, and an urgent message, which takes precedence of ordinary business, is charged double, or roughly 2d. a word. On the same principle a cable message which takes precedence of urgent business should be charged 4d. a word. When it is considered, however, that the rate charged the Pacific Cable Board must be the same as that charged to the Eastern Extension Company, and, as already stated, the Commonwealth has erected and maintained expensive lines for the Eastern Extension traffic, it will be seen that its rate of 5d. a word is not excessive, particularly when the area of Australia and the length of line over which telegraph business is transmitted therein are taken into consideration.

3. There can, of course, be no reasonable comparison between Australia and New Zealand. The former has an area of 2,974,581 square miles, and approximately 45,000 miles of telegraph lines, whereas New Zealand has an area of 104,751 square miles, and approximately 12,000 miles of telegraph line.

4. With regard to Sir Henry's reference to the fact that it is an anomaly that Australia should receive more from the charge of 5d. a word which she levies for her terminal and transit service than the amount which she has to pay out on her proportion of the loss on the Pacific Cable, and his suggestion for an alternative scheme by which it is said this anomaly might be rectified, I am to state that the fallacy in the argument lies in the fact that the proposer has omitted to take into account what it costs the Commonwealth to render the service for which it charges the 5d. per word, and to realise that any loss or otherwise on the cable arises from circumstances over which the Commonwealth has no control. Were Sir Henry's argument carried to its logical conclusion, it would result in the Commonwealth having to render a terminal and transit service for nothing. The loss on the cable for the last three years has been as follows:—

Year ended 31st March, 1911	...	...	£48,210
Year ended 31st March, 1912	...	...	40,498
Year ended 31st March, 1913 (estimated)	...	...	23,000

and if, for the sake of argument, the business between New Zealand and Canada, and New Zealand and the United Kingdom, were, through some special cause, to increase to such an extent that that deficit would be wiped out, and that Australia would thus not have to make any contribution to a loss on the cable, it would then, according to Sir Henry's argument, not be entitled to make any charge for transit



and terminal service, because it would not be entitled to derive from that source any amount which it was not paying out to the other partners in the cable, a position which only has to be stated in order to demonstrate its absurdity. The alternative which is suggested to get over this difficulty is hardly worth dealing with under these circumstances, but it is interesting to notice that in making his calculations Sir Henry has omitted to show that any amount is allocated out of the total charge of 3s. for transit across Canada. In setting out what amounts the partners received out of the 3s., Sir Henry states that Canada receives nil because she provides no service, but in the original apportionment of the 3s. a sum of 3d. was shown for transit charges across Canada, and, whether that amount is received by Canada or by some other authority which provides the service, the position is the same in that respect as it is in Australia.

5. In view of all the circumstances the Commonwealth Government is not prepared to vary its transit and terminal rate while the present charge to the public is maintained, but should lower charges to the public be decided upon the Commonwealth will be quite agreeable to reduce its charges proportionately.

JUSTINIAN OXENHAM,  
Secretary.

Postmaster-General's Department, Melbourne,  
1st July, 1913.

44520

No. 76.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 29th December, 1913.)

[Copy to Treasury and Pacific Cable Board, 6th February, 1914. L.F.F.]

(No. 171.)

SIR, Government House, Wellington, 21st November, 1913.

I HAVE the honour to acknowledge the receipt of your despatches, Nos. 291 of the 1st August\* and 363 of the 20th September† on the subject of the terminal rates charged on Pacific Cable traffic in the Commonwealth of Australia and the Dominion of New Zealand, respectively.

2. The observations of the Postmaster-General, transmitted to me by my Prime Minister, to whom they are addressed, are as follows:—

"By way of reply to the letter from the Secretary of State for the Colonies, dated the 1st August last, No. 291,\* it is only necessary to refer to the Secretary of State's later letter No. 363, of the 20th September, 1913† (Government House, 979/1913), where it is made clear that the Commonwealth Government is not prepared to fall in with the proposals put forward by the Chairman of the Pacific Cable Board in his memorandum of date 19th November, 1912.‡

"This Government also does not agree with the proposals put forward by the Board. New Zealand would demur to becoming a party to a rearrangement adjusting the difference between herself and Australia but probably detrimental to Canada and the United Kingdom.

"This Administration sees no reason why the zone system of determining charges should be maintained to the detriment of New Zealand merely in pursuit of the idea of uniformity by the levy of the same charge over a large area. It would be better to proportion charge to service in respect of areas lying so far apart as Australia and New Zealand. The zone system, therefore, should not continue to operate in these seas so far as New Zealand is concerned; and the charge to New Zealand should be reduced by an amount representing the excess of the Australian terminal rate over the New Zealand terminal rate. This would bring matters to a head. Any reduction to New Zealand would, without question, provoke a demand for a reduction in

\* No. 74.

† No. 75.

‡ Enclosure in No. 74.

the Australian rate; and I apprehend from the last paragraph of the letter of the 1st July from the Post Office to the Department of Internal Affairs, Melbourne that such a reduction in the whole charge on cable messages to Australia would be acknowledged as a good ground for a reduction of the portion representing the terminal rate. This transfers the onus of making any reduction to the Pacific Cable Board; and from a Press telegram, dated the 13th instant, it is learnt that the reduction is not likely to happen. Sir Henry Primrose is reported to have given evidence before the Dominions Commission 'that no further reductions in the Australian rates could be made without financial loss. Experience has proved that increased traffic did not always provide compensation for lowered rates.'

"I expect in ordinary course to find this message confirmed; and judge, therefore, that it will be useless to pursue this correspondence further at present."

I have, &c.,  
LIVERPOOL,  
Governor.

44520

No. 77.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Canada. No. 101.)

(Commonwealth of Australia. No. 72.)

[SIR,] [MY LORD,] Downing Street, 5th February, 1914.  
WITH reference to [my despatch No. 725, of the 20th September last,\*] [Your Excellency's despatch No. 253, of the 22nd October last,†] I have the honour to transmit to [Your Royal Highness,] [you,] to be laid before your Ministers, a copy of a despatch‡ from the Governor of New Zealand, on the subject of the terminal rates charged on Pacific Cable traffic in the Commonwealth of Australia and in New Zealand.

[To Canada only. 2. I should be glad to learn whether your Ministers are yet in a position to furnish me with their observations on the Memorandum by the Pacific Cable Board enclosed in my despatch No. 575, of the 1st August last.§]

I have, &c.,  
L. HARCOURT.

15848

No. 78.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 30th April, 1914.)

SIR,

General Post Office, London, 30th April, 1914.

I AM directed by the Postmaster-General to say, for the information of the Secretary of State for the Colonies, that he has had under consideration the recommendations in regard to telegraph matters contained in the recent Interim Report|| of the Dominions Royal Commission, and he thinks it may be convenient to the Secretary of State to have the following observations on the proposals from the point of view of the Post Office.

The recommendations of the Commission are:—

*Reduction of ordinary rate to Australia and New Zealand.*

The ordinary rate from the United Kingdom to Australia is 3s. a word, and of this sum 5d. a word accrues to the Australian Post Office. For the sake of uniformity the rate to New Zealand has been maintained at 3s. a word, although the New Zealand Post Office charges only 1d. a word for dealing in New Zealand with telegrams passing over the cable.

\* No. 75. † 41242: not printed. ‡ No. 76. § No. 74. || [Cd. 7210.]



The Commission suggest that the Australian Post Office should reduce its charge from 5d. to 1d. a word and thus enable the rate to Australia and New Zealand to be reduced to 2s. 8d.

This Department has long been of opinion that the Australian charge of 5d. was unduly high, but it cannot say whether a rate of 1d. would be adequate.

*Establishment of a service of cable letter telegrams (other than week-end letter telegrams.)*

The Commission recommend that a service of cable letter telegrams should be started between the United Kingdom and Australasia on the lines of the existing service between the United Kingdom and North America, under which telegrams in plain language are accepted at about quarter rates for delivery next day. The Atlantic companies are prepared to co-operate in a service of the kind with Australasia, but the Pacific Cable Board has hitherto objected on financial grounds. The effect which a service of the kind would have on the revenue of the Board is not a matter on which the Post Office can form an opinion.

*Improvement of the existing week-end letter telegram service.*

Week-end letter telegrams to Australasia cost at present 18s. for 24 words, plus 9d. for each word beyond 24. This charge covers transmission by post to the cable office in this country, by telegraph thence to the cable office in Australia or New Zealand, and then by post to destination. The public have an option of telegraphic transmission to and from the cable office at either end on payment, in addition, of the inland telegraph rate of each country.

This arrangement has proved troublesome to work and difficult for the public to understand; and the Post Office has been trying for some time to arrange with the Pacific Cable Board and the cable companies for the present rate of 9d. a word to cover transmission by telegraph at both ends when necessary to prevent delay. The principle has now been accepted and the arrangement will come into operation on the 1st of May. It has also been arranged that the minimum charge shall be reduced from 18s. covering 24 words to 15s. covering 20 words.

These arrangements meet to some extent two of the recommendations of the Commission, namely:—

- (a) That letter telegrams be transmitted by telegraph throughout, and,
- (b) That the minimum number of words be reduced from 24 to 12.

The other recommendations of the Commission on this subject are:—

- (c) That the charge per word be reduced from 9d. to 6d.
- (d) That the telegrams be delivered on Monday instead of Tuesday as at present, and
- (e) That "the vexatious and annoying formalities with which deferred telegrams and letter telegrams are surrounded should be abolished and that no extra charge be made for the service communications indicating the nature of these messages."

As regards (c) the question whether the proposed (or any) reduction is feasible is one for the Pacific Cable Board and the cable companies concerned and for Australia.

As regards (d) the Eastern Company favour this proposal, but the Pacific Cable Board have hitherto objected on the ground that it would involve the transfer of traffic from the deferred service to the week-end service and so cause loss of revenue. The matter is again one for decision by the Board.

As regards (e) the first part of this recommendation, so far as can be gathered, has reference to the rule that the sender of a deferred telegram must sign a declaration printed at the foot of the telegram form and testifying that the telegram is entirely in plain language, and must insert the name of the language used. So far as the Post Office is aware, there has been no complaint by the public regarding this rule, which is a safeguard against abuse of the service.

It is a general rule that the official symbol indicating the nature of a special class of telegrams shall be reckoned as a chargeable word. The main justification of this rule in the case of deferred telegrams and letter telegrams is that it lessens the risk of the symbol being omitted through error in transmission. There are, however, objections to requiring the public to pay for the transmission of an indication needed for service purposes, and the question of proposing an amendment of the international rule on the subject is being considered.

The Commission also suggest that the fullest publicity be given to the system of deferred and week-end telegrams. So far as the United Kingdom is concerned, the Post Office has used, and will continue to use, all opportunities to make the service widely known.

It will be seen from the foregoing remarks that the recommendations of the Commission in regard to telegraphs do not in the main come within the province of the Post Office. In regard to the few points which directly concern the Post Office, the Postmaster-General thinks that the steps already taken are adequate.

I am, &c.,

E. CRABB.

16095

No. 79.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 2nd May, 1914.)

(No. 249.)

SIR,

Montreal, 23rd April, 1914.

WITH reference to your despatch No. 232, of the 1st April,\* on the subject of terminal rates on cable messages charged by the Government of Australia, I am informed by my responsible advisers that Canada approves of the principle that the gross revenue from the Pacific Cable terminal charges, less the amount chargeable at urgent inland rates, be included in the Pacific Cable accounts, and is of opinion that Australia should be urged, as a matter of equity, to accept this proposal.

I have, &c.,

ARTHUR.

16095

No. 80.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL AND GOVERNOR.

(Australia. No. 280.)

(New Zealand. No. 196.)

[SIR,

[MY LORD,

Downing Street, 8th May, 1914.

[WITH reference to my despatch No. 72, of the 5th of February last,†] [With reference to Your Excellency's despatch No. 171, of the 21st of November last,‡] I have the honour to transmit to [Your Excellency, to be laid before you] [you, for the information of your] Ministers, the accompanying copy of a despatch§ from the Governor-General of the Dominion of Canada, on the subject of the Pacific Cable terminal charges.

I have, &c.,

L. HARCOURT.

15848

No. 81.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 351.)

(Australia. No. 284.)

(New Zealand. No. 198.)

(Union of South Africa. No. 204.)

(Newfoundland. No. 146.)

[SIR,] [MY LORD,

Downing Street, 8th May, 1914.

WITH reference to my despatch No. (84) (57) (47) (55) (33) of the 30th

\* 44520/13: not printed (a reminder of previous despatches). † No. 77. ‡ No. 76. § No. 79.



January,\* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copy of a letter† from the General Post Office, on the subject of the recommendations in regard to telegraph matters contained in the second Interim Report‡ of the Dominions Royal Commission.

I have, &c.,  
L. HARCOURT.

23372

No. 82.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th June, 1914.)

(No. 342.)

SIR, The Citadel, Quebec, 19th June, 1914.  
I HAVE the honour to forward herewith, for your information, a copy of a letter from the Department of External Affairs, dated the 13th June, on the subject of Australian cable rates.

I have, &c.,  
ARTHUR.

Reference to previous despatch : Colonial Office No. 351, 8th May, 1914. §

Enclosure in No. 82.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.  
SIR, Ottawa, 13th June, 1914.

WITH reference to a despatch from the Secretary of State for the Colonies to the Governor-General, No. 351, dated 8th May, 1914, forwarding copy of a letter from the General Post Office on the subject of the recommendations in regard to telegraph matters contained in the Second Interim Report of the Dominions Royal Commission, I am to say, with respect to the suggestion of the Commission that the Australian Post Office should reduce its terminal charge of 5d. a word, that the Postmaster-General of Canada concurs in the remark of His Majesty's Postmaster-General that this charge is considered to be unduly high.

I am to request that His Royal Highness may be humbly moved to cause the Secretary of State for the Colonies to be informed in this sense.

I have, &c.,  
JOSEPH POPE,  
Under-Secretary of State for External Affairs.

23372

No. 83.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(Australia. No. 422.)  
(New Zealand. No. 292.)

[SIR,]  
[MY LORD,]

Downing Street, 8th July, 1914.

WITH reference to my despatch No. [284] [198], of the 8th May last, § I have the honour to transmit to Your Excellency, [to be laid before] [for the information of] your Ministers, copy of a letter|| from the Department of External Affairs for Canada on the subject of the terminal rates on cable messages charged by the Government of the Commonwealth of Australia.

I have, &c.,  
L. HARCOURT.

\* 2644: not printed (it forwarded copies of [Cd. 7210]). † No. 78. ‡ [Cd. 7210.] § No. 81.  
|| Enclosure in No. 82.

30185

No. 84.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 13th August, 1914.)

[Copy to Pacific Cable Board, 2nd January, 1915. L.F.]

(No. 116.)

SIR,

Wellington, 2nd July, 1914.

I HAVE the honour to acknowledge the receipt of your despatch No. 196, of the 8th May,\* forwarding copy of a despatch from the Governor-General of the Dominion of Canada, on the subject of the Pacific Cable terminal charges.

2. In acknowledging the receipt of the information contained in the enclosure to your despatch, the Postmaster-General of my Government makes the following observations:—

"It is noted that Canada approves of the principle that the gross revenue from the Pacific Cable terminal charges, less the amount chargeable at urgent inland rates, be included in the Pacific Cable accounts, and is of opinion that Australia should be urged, as a matter of equity, to accept this proposal."

I have, &c.,  
LIVERPOOL,  
Governor.

44747

No. 85.

THE PACIFIC CABLE BOARD to COLONIAL OFFICE.

(Received 19th November, 1914.)

[Copy of Memorandum to New Zealand, Canada, and Australia, 5th January, 1915.]

SIR,

Queen Anne's Chambers, S.W., 18th November, 1914.

WITH reference to your letter of July 7th last, No. 23372/14,† I have the honour to inform you that the question of the terminal rates on cable messages charged by the Australian Government has been further considered by the Pacific Cable Board.

Copies are enclosed of a memorandum on the subject which has been approved by the Board, and I have the honour to request that, if Mr. Secretary Harcourt sees no objection, the memorandum may be communicated to the Governments of Canada, Australia, and New Zealand, with such expression of opinion on the subject as may commend itself to His Majesty's Government.

A copy of the memorandum is being communicated to the Treasury.

I have, &c.,  
H. BABINGTON SMITH,  
Chairman.

Enclosure in No. 85.

THE PACIFIC CABLE BOARD.

Terminal Rates in Australia and New Zealand.

1. SINCE the institution of the Pacific Cable, the inequality of the terminal rates in Australia and New Zealand has caused difficulty.

For ordinary messages the terminal rate in New Zealand is 1d. per word, and in Australia 5d. per word. The rate per word charged to the public for traffic with the United Kingdom is, in each case, 3s. After deducting the terminal charges and the payments to the Atlantic Cable Companies, the amount retained by the Pacific Cable Board is, in the case of Australian traffic, 1s. 9d., and, in the case of New Zealand traffic, 2s. 1d.

\* No. 80.

† Not printed (it transmitted copy of No. 82).



## RESOLUTION XIV.: CHEAPER CABLE RATES.

The terminal rate charged in Australia is defended by the Commonwealth Government; but it has, from the beginning, been considered excessive by the other partners in the Pacific Cable. The arguments on both sides will be stated later in this memorandum.

2. The fixing of the terminal rate is a matter within the competence of the Government of the country concerned; and in ordinary circumstances other Governments would be in no way concerned. But in the present instance the Commonwealth Government is in partnership with the Imperial, Canadian, and New Zealand Governments in the business of the Pacific Cable, and it is obvious that the other partners cannot be indifferent to a question which materially affects the distribution of the total revenue received from the cable.

If the Australian terminal rate were fixed at a lower level, the balance would be available either for diminishing the deficit which is met by the partner Governments, or for reducing rates for the public. So long as it remains at its present high level, the Commonwealth Government derives an advantage at the expense either of its partners or of the public who use the cable.

*Can the Existing Terminal Rate be Justified?*

3. It is necessary first to examine whether the present charge can be justified. The Pacific Cable Board have throughout held that the terminal charge should not exceed the highest rate charged for internal traffic, this being, in the case of Australia, the urgent rate for inter-State telegrams, which may be taken as equivalent to 2d. per word.

The Commonwealth Government defends the higher rate of 5d. per word, in the first place, by pointing to the great extent of the Australian continent and its telegraph system, and the consequent expense to the Commonwealth Government of the services rendered. In particular, the expensive character of the trans-continental line to Port Darwin is given as a reason for a high charge.

But the Pacific Cable traffic does not use the Port Darwin line at all; and, owing to the fact that traffic from and to West and South Australia naturally falls to the Eastern Extension Company, the great majority of the Pacific traffic has a very short land transit. A large part of it is never handled by the Government Telegraph Administration and does not pass over the Government lines at all.

The following figures, based on an analysis of a fortnight's traffic, in December, 1913, show clearly the actual services rendered by the Commonwealth Government in return for the terminal charges.

*The Pacific Cable Board.*

Analysis of Estimated Revenue derived by the Commonwealth on the Board's International Traffic for One Year, based on two weeks' business, 1st to 14th December, 1913.

	Words.		Revenue derived from Terminal Charges.	
	Number.	Percentage.	£	Percentage.
Handled by Government—				
Transit not exceeding 100 miles ...	191,490	8.98	3,235	11.23
Exceeding 100 and not exceeding 600 miles ...	527,358	24.74	8,912	30.93
Exceeding 600 and not exceeding 2,000 miles ...	80,262	3.76	1,306	4.53
Exceeding 2,000 and not exceeding 3,000 miles ...	36,036	1.69	528	1.83
Exceeding 3,000 miles ...	4,446	0.21	88	0.3
Total handled by Government ...	839,592	39.38	14,069	48.82
Not handled by Government ...	1,292,418	60.62	14,748	51.18
	2,132,010	—	28,817	—

It will be seen that more than 60 per cent. of the traffic is never handled by the Government at all, and that less than 6 per cent. of the traffic has a land transit of more than 600 miles. The terminal rate of 5d. for ordinary messages, and the corresponding rates for Press and other messages, are nevertheless paid to the

## RESOLUTION XIV.: CHEAPER CABLE RATES.

Commonwealth on the whole of this traffic, with the result that out of a total revenue of £28,817 received by the Commonwealth on this account, £14,748, or more than half, represents a landing tax, pure and simple, since no services whatever are rendered by the Telegraph Administration in respect of the traffic which pays that tax.

As already stated, the average land transit of the traffic which does pass over the Government lines is short, and does not give any ground for an exceptionally high charge.

4. The rate is also defended on historical grounds. It is pointed out that, when the agreement for the Pacific Cable was concluded, the Australian States were separate for telegraph purposes, and that where a message passed through several States the total transit and terminal charge was in some cases as high as 11d. per word. When the telegraph service was taken over by the Commonwealth a uniform charge of 5d. was adopted, resulting in a loss of revenue estimated at that time at over £12,000 a year.

The unification of the rates was, however, far from being a benefit to the Pacific Cable, since the greater part of the Australian terminal charges consisted of the portion assigned to South and West Australia. The charge on a telegram to Queensland amounted, it is true, to 11d. per word; but out of this 7d. was assigned to South and West Australia and 2d. to New South Wales, the terminal rate accruing to Queensland being only 2d. Presumably, therefore, if these rates had continued in force, the terminal charge on Pacific Cable traffic going direct to Queensland and not transitting any other State would have been 2d.

Similarly, out of a total charge of 6½d. for telegrams for New South Wales, 5d. was assigned to South and West Australia and 1½d. to New South Wales. As the Pacific Cable traffic reaches New South Wales without transitting any other Australian State the terminal charge on this basis would have been 1½d.

To put it briefly, the effect of the unification of the terminal rates was to make the Pacific Cable traffic pay a share of the charges for the expensive land lines in South and West Australia, of which it makes no use whatever; and any diminution in the payments to the Government resulting from the unification was a benefit to the Eastern Company only.

Nor can it be considered that this result was a natural outcome of the partnership. The original arrangement for the cable was made with the Colonies of Queensland, New South Wales, and Victoria. It lay outside the sphere of South and West Australia, which were interested in the Port Darwin line and the Eastern connexion. The effect of bringing in the burden of the Port Darwin line was to throw on the partnership a liability which was not contemplated in the original understanding.

It should be added that any loss incurred by fixing the terminal rate at 5d. has been far more than recouped by increase of traffic. As stated above, the loss was estimated at £12,000 a year. Between 1902 and 1913 the yield of the Australian terminal rates has increased by more than £33,000.

5. It has been pointed out that the terminal rate cannot be reduced for the Pacific Cable without being at the same time reduced for the Eastern Company, and that the total loss of revenue resulting from a reduction from 5d. to 2d. would amount, apart from African and Asiatic traffic, to a sum exceeding £44,000 per annum, which the Commonwealth cannot conveniently afford to lose.

In answer to this it may be said:—

(1) It is intended by the Pacific Cable Board that any reduction in the Australian terminal rate should be used to effect a reduction in the rates charged to the public. Thus any loss to the Commonwealth revenues would be compensated, so far as Australia is concerned, by a reduction in the telegraph rates paid by inhabitants of Australia and their correspondents elsewhere.

(2) Since the date at which the rate of 5d. was fixed (1902) the value to Australia of the terminal rates, leaving out of account the transit rate on Eastern traffic to New Zealand, has increased from £40,300 to £73,900 approximately. In the same period, the whole length of telegraph line in Australia has not increased by more than about 15 per cent.

6. It is further argued that, as the rate for internal urgent messages is 2d. (double the rate for ordinary) and as cable messages have precedence over urgent,



## RESOLUTION XIV.: CHEAPER CABLE RATES.

a charge of double the urgent rate, or 4d., is justified. This precedence only applies in the case of those messages (less than 40 per cent. of the whole) which are handled by the Government; and it is sufficient to say in reply that the Pacific Cable Board would be quite satisfied if cable messages were treated *pari passu* with urgent internal messages. They therefore claim that no higher charge should be made.

7. It has been urged by the Australian Post Office that the rates of 1d., approximately, for ordinary internal traffic and 2d. for urgent traffic are well known to be unremunerative, and were introduced for the purpose of facilitating communication, and that there is no reason for applying a losing rate to international traffic.

If the internal rate in Australia is unremunerative, this is largely due to the long distance lines, which are not utilized by the Pacific Cable traffic, and, in any case, it appears expedient to encourage international traffic no less than internal. It may be pointed out, also, that since non-urgent messages form the bulk of the internal traffic, it is the 1d. rate which is unremunerative, and that the rate suggested for the cable traffic is 2d.; and even with a terminal rate of 2d. on all traffic, this would, in the case of Pacific Cable traffic, be roughly equivalent to a rate of 4d. on that part of the traffic which is handled by the Government.

Moreover, the other partners in the Pacific Cable make no higher charge than their internal rate. In the case of New Zealand the rate is the same as that on urgent inland messages. In the case of the United Kingdom, the rate is the same as the ordinary inland rate, which is well known to be unremunerative. The British Government receives the rate only on the traffic which it handles, and not on the traffic which it does not handle, but in the latter case the 4d. is retained by the Atlantic Cable Companies, who pay a rent to the British Post Office for their land lines. It may, therefore, be roughly estimated that the Government receives the equivalent of 4d. per word on the whole traffic.

For all the above reasons it is considered by the Board that the maximum rate which can be justified is the urgent internal rate of 2d.

*Results of the Present Arrangement.*

8. The result of the present arrangement is to create a serious inequality between the partners in the ownership of the cable. The deficit on the cable for the year 1913-14 amounted to £19,950, and the liability was apportioned, in the agreed proportions, as follows:—

United Kingdom, 1/3ths	...	...	...	£5,542
Canada, 1/3ths	...	...	...	5,542
Australia, 1/3ths	...	...	...	6,650
New Zealand, 1/3ths	...	...	...	2,216

The sums received by the various partners from terminal or transit rates on the traffic were as follows:—

United Kingdom	...	...	...	£3,842
Canada	...	...	...	Nil
Australia	...	...	...	34,202
New Zealand	...	...	...	2,564

It may be mentioned that in Canada, the telegraph system being in private hands, no terminal or transit charge is made by the Government. A line from Montreal to Bamfield is leased from the Canadian Pacific Railroad, the annual rent being £11,000. This rent, and the cost of working the line, are included in the Board's expenditure.

Leaving out of account for the moment the expense of the services rendered, it will be seen that, in the case of the United Kingdom and Canada, a net deficit had to be made up. In the case of New Zealand there was a small surplus, while in the case of Australia a net surplus of £27,552 was realized.

If, on the other hand, we deduct the yields of a rate of 2d. in Australia, and of the existing terminal charges in New Zealand and the United Kingdom as reasonable equivalents of the services rendered, there remains a sum of over £21,000 to set against the deficit of £6,650 borne by Australia, the result being a net profit for Australia of more than £14,350, while the other partners incurred a net loss, amounting in the case of the United Kingdom and Canada to £5,542 each, and in New Zealand to £2,216.

## RESOLUTION XIV.: CHEAPER CABLE RATES.

*Remedies.*

9. The most satisfactory remedy for this inequality would be the reduction of the Australian terminal charge for ordinary traffic to 2d., with a corresponding reduction for other classes of traffic.

In this case, the Board would be prepared to employ the whole of the resulting advantage to the Board's revenue in reducing rates to the public.

They would, in addition, be prepared to make the sacrifice of revenue necessary to reduce the present rate of 3s., not to 2s. 9d. but to 2s. 8d., both in the case of Australia and New Zealand, and to effect corresponding reductions in the other classes of traffic.

The Board desire at the first favourable opportunity to approach the Atlantic Companies with a view of getting from them a reduction of their rates for the Atlantic transit, and they could undertake such a negotiation with a better prospect of success if they were able to offer to meet any reduction made by the Atlantic Companies with a considerably larger reduction on the part of the Pacific Cable and the partner Governments. In this way it might be possible to arrive at a rate even lower than 2s. 8d.

10. If the Australian Government finds it impracticable at present to adopt the above suggestion, it has been suggested that the inequity as between the partners might be remedied by taking into account the revenue derived from terminal rates in assessing the proportion in which the deficit should be borne by the various partners.

Various methods for effecting an adjustment on these lines were discussed in Sir Henry Primrose's Memorandum of 19th November, 1912, and need not be repeated here.

If this suggestion were accepted in principle the question of detailed application could then be considered. The advantage of this method would be that it would enable the existing injustice to be removed without a reduction of terminal rates and the consequent loss of revenue. The disadvantage would be that there would be no opportunity for a reduction of rates to the public.

11. Another method which has been suggested is the division of Australia into two zones, Queensland, New South Wales, Victoria, and Tasmania forming one zone, and West and South Australia another zone. The terminal and transit rate for each zone might be, say, 2d. per word for ordinary messages, so that traffic entering one zone only would pay 2d., while traffic passing through one zone to the other would pay 4d. If these zone rates were adopted, with proportionate rates for other classes of traffic, the loss to Commonwealth revenues may be estimated at £28,500 out of a total revenue of £73,900 from the traffic by both Eastern and Pacific routes. This is considerably less than the loss of revenue resulting from the reduction of the terminal rate to 2d., which, as stated above, may be estimated at over £44,000.

The International Convention does not offer any obstacle to the creation of zones, which already exist in Egypt and some other countries. Such a system would be satisfactory to the Pacific Cable Board.

*The New Zealand Case.*

12. It has throughout been admitted that the present arrangements are unsatisfactory for New Zealand. This is all the more to be regretted, since from the beginning the Government and public of New Zealand have been the warmest and most effectual supporters of the Pacific Cable.

In the early stages of the controversy it was proposed to raise the New Zealand terminal rate to 5d. This was within the power of the New Zealand Administration, and the Pacific Cable Board felt that they could offer no objection. The New Zealand Government, however, refrained from taking action in this direction, because it would have been necessary to raise the terminal rate for the Eastern Company also, and they did not wish to take a step which would appear to be hostile to that enterprise.

At the time of the Conference held in 1905 to discuss various questions which had arisen in connexion with the Pacific Cable, the New Zealand representative pressed for the reduction of the Australian terminal rate, or, failing that, the payment of a rebate to the New Zealand Government. More recently, finding that there appeared to be little prospect of obtaining such a reduction, New Zealand has claimed that the rate charged to the public for telegrams to and from New Zealand should be lowered by 4d., on the ground of the difference between the Australian and New Zealand terminal rates.



This claim has hitherto not been accepted by the Board on several grounds. It is a recognized principle of the International Telegraph Union that it is undesirable to have differences of rate for places in the same region. Further, although the reduction of the New Zealand rate to 2s. 8d. would meet the injustice of which New Zealand complains, it would not remove the existing inequality between the partners in the Pacific Cable. It would, in fact, by increasing the general deficit, make the burden of that inequality heavier. It was also felt that it would be very desirable, if possible, to secure a general reduction of rates of larger amount, and not merely a reduction of 4d. in the rate to New Zealand only.

Moved by these considerations, and also by the disturbance of the year's financial estimates which would be caused by an immediate reduction, the Board unanimously decided, at its meeting of 7th April, 1914, not to put in force the resolution adopted on 10th February, 1914, for the reduction of the New Zealand rate to 2s. 8d., but to examine whether a more general reduction of rates could not be effected.

It was felt, however, that the removal of the New Zealand grievance could not be indefinitely postponed, and, when the case on behalf of New Zealand was further pressed, the Board resolved on 28th July, 1914, that if no change could be made in the Australian terminal rate, the reduction in the New Zealand tariff from 3s. to 2s. 8d. should come into force on 1st April, 1915, and that in the meantime further representations should be made to the Australian Government.

13. The Board confidently hope that the Australian Government may recognize the force of the considerations urged above, and that by accepting a reduction of the terminal rate, subject to a corresponding reduction in the rate charged to the public, they may render possible a satisfactory solution of this difficult question. They are encouraged in this hope by the last paragraph of Mr. Oxenham's memorandum of 1st July, 1913, where it is stated that: "Should lower charges to the public be decided upon, the Commonwealth will be quite agreeable to reduce its charges proportionately."

H. BABINGTON SMITH.

18th November, 1914.

47366

No. 86.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 30th November, 1914.)

[Copy to Pacific Cable Board, 2nd January, 1915. L.F.]

(No. 273.)

SIR, Governor-General's Office, Melbourne, 12th October, 1914.

WITH reference to your despatches, Nos. 280 of the 8th May, and 422 of the 8th July, 1914,\* on the subject of the Pacific Cable terminal charges, I have the honour to forward herewith copy of a despatch which has been addressed to me by my Prime Minister on this subject.

I have, &c.,

R. M. FERGUSON,  
Governor-General.

Enclosure in No. 86.

COMMONWEALTH OF AUSTRALIA.

[Office of] Prime Minister,

Melbourne, 3rd October, 1914.

SIR, WITH reference to the Secretary of State for the Colonies' despatches, Nos. 280 of the 8th May, and 422 of the 8th July, 1914, I have the honour to invite Your Excellency to be so good as to inform Mr. Harcourt that, at the 1905 Conference of the partners in the Pacific Cable, the Canadian representative stated:—

\* Nos. 80 and 83.

"I should not like to assent to the view that any Government should charge more for Pacific Cable business than it charges for the most urgent kind of local or domestic business. That, I think, is the sound view to take": and this, apparently, [is] the view which is now being revived. The reduction of the Commonwealth terminal charge from 5d. to urgent inland rate (2d.) is equivalent to a reduction of 3d.

In November, 1912, the Chairman of the Pacific Cable Board commented on the Canadian proposal as follows:—

Assuming that the Australian terminal rate were taken to be 3d per word in excess of what it should be on the Canadian hypothesis (and slightly adapting the figures), this plan would work out as follows in a year in which the revenue and expenditure were approximately those of 1911-12 (but with an adverse balance of £44,000, instead of £45,000):—

Board's traffic revenue	£155,000
Australia (excess revenue on terminal rate taken at 3d. per word)	14,000
United Kingdom (excess revenue on terminal rate taken at 3d. per word)	Nil
Canada (excess revenue on terminal rate taken at 3d. per word)	Nil
New Zealand (excess revenue on terminal rate taken at 3d. per word)	Nil
	£169,000
Expenditure	199,000
Balance to be made good	£30,000

One-eighteenth of £30,000 is £1,666 $\frac{2}{3}$ .

Accordingly, the liability for the £44,000 by which the Board's revenue fell short of the expenditure (viz., £199,000 - £155,000) would be distributed as follows:—

United Kingdom, £1,666 $\frac{2}{3}$ × 5 =	£8,333 $\frac{1}{3}$
Canada, £1,666 $\frac{2}{3}$ × 5 =	8,333 $\frac{1}{3}$
Australia, £1,666 $\frac{2}{3}$ × 6 =	£10,000 + £14,000 = 24,000
New Zealand, £1,666 $\frac{2}{3}$ × 2 =	3,333 $\frac{1}{3}$
Total	£44,000

On these figures the position might be contrasted as follows:—

Under present system Australia receives £23,000 and pays 6/18ths of £44,000 (£14,666 $\frac{2}{3}$ ) = £8,333 $\frac{1}{3}$  net profit.

Under proposed system Australia would receive £23,000 and pay £24,000 = £1,000 net loss.

Australia would thus be £9,333 $\frac{1}{3}$  to the bad, equivalent to a reduction in her terminal charge of approximately 2d., without any corresponding benefit to those most concerned, viz., the Australian public.

In view of the foregoing, and for the reasons given in the attached extract from a memorandum addressed by the Postmaster-General's Department to the Department of External Affairs on the 1st July, 1913, in connexion with the matter, the Canadian proposal cannot be agreed to by this Administration.

I might add that the quotation in paragraph 2 above is taken from the enclosure to a letter from the Official Secretary in Great Britain of the Commonwealth of Australia, which was forwarded to the Postmaster-General's Department by the Secretary, Department of External Affairs, on 21st January, 1913.

I have, &c.,

ANDREW FISHER.

Governor-General

His Excellency

The Right Honourable

Sir Ronald Munro Ferguson, P.C., G.C.M.G.,

&c.,

&c.,

&c.



EXTRACT FROM MEMORANDUM ADDRESSED BY THIS DEPARTMENT TO DEPARTMENT OF EXTERNAL AFFAIRS.

As the Commonwealth had entered the International Union as one Administration, one rate had to be fixed in lieu of the varying ones which had been in existence while the States were separate Administrations, and the Pacific Cable Board and the Eastern Extension Company had to be placed on precisely the same footing as regards our transit and terminal rate. In fixing that rate two considerations had to be kept in view, viz., the interest of the Pacific Cable, in which Australia was a partner, and the fact that, for business via the "eastern" route, not only had an expensive line from Port Darwin to Adelaide to be maintained, but also that, under agreements entered into by the State Governments with the Eastern Extension Company, special lines had to be provided, as, for example, the one between Adelaide and Sydney, for that Company's traffic. In view of the long and expensive lines which the Commonwealth was thus compelled to maintain for purely cable purposes, and considering the length of its ordinary lines throughout the Commonwealth, Australia would have been not only within its rights, but would have been justified, in fixing as its transit and terminal rate the maximum charge of 11d. then in force, but with a view of assisting the Pacific Cable by giving the Pacific Cable Board as large a proportion as possible of the 3s. per word which it had been decided to charge the public on messages to and from the United Kingdom, the Commonwealth agreed to fix its rate at 5d., thus sacrificing a considerable amount of revenue, estimated at that time to be over £12,000 a year, a fact which appears to be lost sight of whenever the Commonwealth transit and terminal rate is being criticized.

The fact that the Commonwealth has fixed its rate for its inland business at a figure which is notoriously below the cost of rendering the service is no argument in favour of dealing similarly with cable traffic. Apart from this, cable business is given precedence over ordinary business, even over "urgent business," for which double the ordinary rate is charged—and is composed of code words, for which also a special charge is levied; so that, even comparing the cable business with Commonwealth inland telegrams, and basing the charges on the same principle, a cable message should pay something in excess of 4d. a word. Thus ordinary inland messages are charged, roughly, 1d. per word, and an urgent message, which takes precedence of urgent business, is charged double, or, roughly, 2d. a word. On the same principle, a cable message, which takes precedence of urgent business, should be charged 4d. a word. When it is considered, however, that the rate charged the Pacific Cable Board must be the same as that charged to the Eastern Extension Company, and, as already stated, the Commonwealth has erected and maintains expensive lines for the Eastern Extension traffic, it will be seen that its rate of 5d. a word is not excessive, particularly when the area of Australia, and the length of line over which telegraph business is transmitted therein, are taken into consideration.

RESOLUTION XVI.: STATE-OWNED WIRELESS TELEGRAPH STATIONS.

That the great importance of wireless telegraphy for social, commercial, and defensive purposes renders it desirable that a chain of British State-owned wireless stations should be established within the Empire.

29539

No. 87.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to General Post Office, 28th September, 1912. L.F.]

[Answered by No. 89.]

(Extract.)  
(No. 445.)

Downing Street, 27th September, 1912.

4. . . . THE Postmaster-General was informed by Sir Daniel Graaff, when the latter was in this country, that your Government would be prepared to join in the Imperial wireless scheme, and I shall be glad to learn in due course whether, when the agreement [with the Marconi Company] has been approved by the House of Commons, the Company may be informed that it has also been approved by your Government in accordance with Clause 27 of the Agreement.

34757

No. 88.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 4th November, 1912.)

[Copy to General Post Office, 9th November, 1912. L.F.]

(No. 152.)

SIR,

Wellington, 25th September, 1912.

I HAVE the honour to acknowledge the receipt of your despatch of the 1st August, No. 225,\* intimating that the Agreement between His Majesty's Postmaster-General and the Marconi Company, Limited, for the erection of long distance wireless telegraph installations, had been signed before the receipt of my despatch, No. 94, of the 14th June,† reporting that New Zealand does not at present desire to become a party to the Agreement.

2. My Ministers inform me that particular attention will be given to the provision made in Clause 28 of the Agreement, a copy of which was forwarded with your despatch.

I have, &c.,  
ISLINGTON,  
Governor.

\* No. 241 in Dominions No. 45.

† No. 240 in Dominions No. 45.



39709

No. 89.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th December, 1912.)

[Copy to General Post Office, 19th December, 1912. L.F.]

[Answered by No. 90.]

(No. 746.)

SIR, Governor-General's Office, Pretoria, 21st November, 1912.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 445, of 27th September,\* a copy of a minute from Ministers on the subject of the completion of the agreement with the Marconi Wireless Telegraph Company, Limited.

I have, &amp;c.,

GLADSTONE,  
Governor-General.

Enclosure in No. 89.

MINUTE No. 984.

19th November, 1912.

MINISTERS have the honour to advert to minute No. 43/186, of 17th October, from the Acting Governor-General, transmitting a copy of despatch No. 445, of 27th September, from the Secretary of State for the Colonies on the subject of the completion of the Agreement with the Marconi Wireless Telegraph Company, Limited.

Ministers confirm the statement made to His Majesty's Postmaster-General by Sir David Graaff to the effect that the Union Government would be prepared to join in the Imperial wireless scheme. At the same time, Ministers are under obligation—as would seem also to be the case with His Majesty's Government—to obtain Parliamentary sanction before they can signify formal approval of the contract, and for this reason they are not in a position at the moment to give the assurance asked for in paragraph 4 of the Secretary of State's despatch.

The Agreement as drafted seems, however, to be in order, and Ministers will endeavour to secure the approval of the Union Parliament in the early stages of the approaching session. When this has been obtained, Ministers will comply with the Secretary of State's request.

LOUIS BOTHA.

1859

No. 90.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 61.)

(Australia. No. 58.)

(New Zealand. No. 41.)

(Union of South Africa. No. 35.)

(Newfoundland. No. 24.)

[SIR,] [MY LORD,]

Downing Street, 17th January, 1913.

WITH reference to

[my despatch No. 548, of the 9th August last,†]

[my despatch No. 339, of the 9th August last,†]

[my despatch No. 237, of the 9th August last,§]

[your Excellency's despatch No. 746, of the 21st November last,||]

[my despatch No. 165, of the 9th August last,†]

\* No. 87. † No. 242 in Dominions No. 45. ‡ No. 243 in Dominions No. 45.

§ 24162/12: not printed.

|| No. 89.

I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of a special report\* by the Select Committee of the House of Commons on the Agreement between the Postmaster-General and the Marconi Wireless Telegraph Company, Limited, with regard to the establishment of a chain of Imperial wireless stations.

I have, &amp;c.,

L. HARCOURT.

1608

No. 91.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to General Post Office, 30th January, 1913. L.F.]

[Answered by No. 95.]

(No. 50.)

MY LORD,

Downing Street, 30th January, 1913.

WITH reference to the special report\* of the Select Committee of the House of Commons on the Marconi Agreement, copies of which were forwarded in my despatch No. 35 of the 17th instant,† I have the honour to state that I should be glad to learn that Your Excellency's Ministers are taking steps provisionally to select, and, if necessary, to secure an option on, the site for the Imperial wireless station to be erected near Pretoria.

2 Particulars as to the nature of the site required have, I understand, been forwarded to your Government from the General Post Office through the High Commissioner for the Union.

I have, &amp;c.,

L. HARCOURT.

4547

No. 92.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 135.)

(Australia. No. 115.)

(New Zealand. No. 73.)

(Union of South Africa. No. 76.)

(Newfoundland. No. 44.)

[SIR,] [MY LORD,]

Downing Street, 20th February, 1913.

WITH reference to my despatch No. [61,] [58,] [41,] [35,] [24,] of the 17th January,† I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of correspondence between the General Post Office and the Marconi Wireless Telegraph Company relative to the request of the latter to be released from the contract for the erection of the Imperial wireless telegraph stations.

I have, &amp;c.,

L. HARCOURT.

Enclosure 1 in No. 92.

MARCONI COMPANY to GENERAL POST OFFICE.

Marconi House, Strand, London, W.C.,

SIR,

15th January, 1913.

Re Contract of the 19th July, 1912, between the Post Office and Marconi's Wireless Telegraph Company, Limited, and Mr. Guglielmo Marconi.

WHEN I submitted to your Department the tender of the 7th March my Company contemplated that the agreement would be drawn up forthwith, and that within a very few weeks it would have been submitted to Parliament and ratified.

\* [H.C. 430] of 1913.

† No. 90.



My Company, as was absolutely necessary, accordingly proceeded at once to make arrangements to retain in England a very large, responsible, and experienced staff of engineers, and to prepare them to be in readiness to proceed to the different parts of the world to commence the construction of the stations.

The completion and eventual signing of the agreement, probably owing to the International Radio-Telegraphic Conference, required more time than we had contemplated, but when finally it was signed on the 19th July last my Company were reasonably entitled to expect that it would have been forthwith submitted to Parliament for ratification.

This course, however, was not followed, but a Select Committee was appointed. In view, however, of the circumstances which prevailed at that time, my Company felt that some delay in the ratification of the agreement was unavoidable. Over three months, however, have now elapsed since the decision of the House to appoint the Committee, and no less than twenty-eight public sittings of that Committee have been held.

Although many witnesses have been called the Committee has had no evidence upon questions of long-distance commercial wireless telegraphy from those best qualified to speak with experience upon the subject. Moreover, much of the evidence which has been given, standing alone and without opportunity of refutation being afforded to my Company, has resulted in erroneous statements, technical and otherwise, being reproduced in the Press of nearly every country in the world to the serious detriment of my Company.

I gathered at the hearing of the Committee on Monday, the 13th instant, that the Committee had prepared a draft interim report, which would be immediately submitted to Parliament, endorsing the urgent necessity for the construction of the Imperial stations at the earliest moment possible, and recommending the House of Commons to appoint a Technical Committee which should inquire as to which is the best system of wireless telegraphy to be adopted.

If this question has once more to be considered, my Company would welcome in principle the appointment of such a Committee, provided proper facilities were afforded for testing the evidence to be called before it.

It must, however, be borne in mind that even before the 7th March last negotiations with my Company were very protracted owing to the appointment of Committees, technical and otherwise, comprising representatives of the Admiralty, the War Office, and other of the Government departments, which investigated and considered, prior to the acceptance of my Company's tender, whether there were any other systems which could be employed for the Imperial stations.

My Company regrets that the proposed Technical Committee was not appointed three months ago, if it was the intention of the House of Commons that the Select Committee should enter into a highly technical and scientific inquiry, as the necessity for such inquiry, if it existed, is not more apparent now than it was then. Already the staff of engineers retained and prepared by this Company for the purpose of this contract have been kept idle for many months. The expense to which my Company has been submitted in this direction alone is considerable, in addition to which the cost of material has risen substantially since the contract was entered into, and may rise further before any final decision is taken by Parliament.

The delays which have thus occurred in the ratification of the contract were not anticipated by either party to the contract, and it is, I submit, inequitable that my Company should remain bound whilst investigations never contemplated should be continued over an indefinite period.

In all these circumstances, and in order to continue to maintain the Company's position here and abroad in an important industry developed in, and conducted from, this country, employing over 2,000 British workers, our engineers must be released and Mr. Marconi and I must be freed to attend to other important work.

I therefore respectfully request that the Government will agree to the Company's treating the contract as no longer binding upon either party. This course is necessitated solely by reason of the very serious expense and detriment to which my Company is being subjected under the circumstances above explained. It is hardly necessary to say, however, that my Company will be prepared, when the investigations are concluded, to devote its whole energy, experience, and staff to the construction of the Imperial stations on such terms as may be then agreed, if the Government should so desire.

In the meantime, Mr. Marconi and the Company's engineers await the opportunity of appearing before the proposed Technical Committee as they still desire and have offered to do before the Select Committee.

Mr. Marconi, who, you will remember, became a party to the agreement of 19th July, at the express wish of your Department, requests me to state that he endorses this letter in so far as it concerns him also personally.

MARCONI'S WIRELESS TELEGRAPH COMPANY, LIMITED,  
GODFREY C. ISAACS,  
Managing Director.

Enclosure 2 in No. 92.

GENTLEMEN,

General Post Office, London, 5th February, 1913.

WITH reference to your letter of the 15th ultimo, in which you ask that the Government will agree to the Company's treating the contract of the 19th July, 1912, as no longer binding upon either party, I am directed by the Postmaster-General to express his regret that, after full consideration, His Majesty's Government are unable to accede to the Company's request.

The Postmaster-General regards the delay which has taken place as very regrettable, but it is the consequence of the provision, embodied in the contract, that it should not take effect until approval had been given by the House of Commons. The fact that delay has occurred from this cause cannot be regarded by the Government as an adequate reason for releasing the Company from their obligations.

I am to add that the Postmaster-General proposes to publish this reply.

I am, &c.,  
A. F. KING.

Marconi's Wireless Telegraph Company, Limited.

7630

No. 93.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 5th March, 1913.)

(Extract.)

SIR,

General Post Office, London, 4th March, 1913.

WITH reference to the letter from this office of the 7th ultimo,\* I am directed by the Postmaster-General to transmit, for the information of the Secretary of State for the Colonies, copies of further correspondence which he has had with Marconi's Wireless Telegraph Company, Limited, in regard to their request for release from their contract of the 19th of July, 1912.

I am, &c.,  
A. F. KING.

Enclosure 1 in No. 93.

Marconi's Wireless Telegraph Company, Limited,

SIR,

Marconi House, Strand, London, W.C., 6th February, 1913.

WE have to acknowledge the receipt of your letter of the 5th instant. Whilst agreeing with the Postmaster-General that the delay is a consequence of the provision in the contract, we do not understand that it is suggested that such delay is a natural or necessary consequence, or that it was such as was contemplated by either party to the contract.

For the reason set out in our letter of the 15th January, we feel we are morally entitled to ask that the agreement should be considered as no longer binding on either party, and we had every hope that, in view of the facts to which we called attention, and which are not in question, our request would have commended itself to His Majesty's Government, whose decision we now learn with much regret.

\* 4547: not printed; see No. 92.



We should add that, in addition to the matters in respect of which we were being prejudiced, and to which we have already called attention, we have been obliged to reserve, for nearly a year, to enable us to carry out the work which we have undertaken, a sum exceeding £300,000. This is a serious matter for a business company, and, if continued, would necessarily tend to restrict and hamper our commercial programme generally.

Apart altogether from the moral position, we thought it well to take the opinion of Sir Robert Finlay as to our legal rights, and he has advised that we are now entitled to intimate that unless the Postmaster is in a position to definitely confirm the contract by the 1st March next, we will treat such contract as at an end.

We should, however, be reluctant to rely upon our legal rights did we not feel that we had strong moral grounds for the position we are taking up.

In these circumstances we would venture to ask that our letter of the 15th ultimo be further considered, and we trust that as a consequence we may not be put under the obligation, through no fault of our own, of rescinding a contract entered into with His Majesty's Government.

Inasmuch as this matter has become public and your letter of yesterday has been published, we would ask that publicity be also given to this letter.

I am, &c.,

MARCONI'S WIRELESS TELEGRAPH COMPANY, LIMITED,  
GODFREY C. ISAACS,  
Managing Director.

The Secretary,  
General Post Office, E.C.

Enclosure 2 in No. 93.

General Post Office, London, 15th February, 1913.

GENTLEMEN,

In reply to your letter of the 6th instant, I am directed by the Postmaster-General to say that he can do no more than repeat the conclusions stated in my letter of 5th February, and arrived at after careful consideration, namely, that, while he greatly regrets the delay which had taken place, he cannot admit that the delay has been such as to entitle you to withdraw from the contract.

In view of the deliberations of the Select Committee, and of the inquiries that are being made at their request by the Technical Committee, there is, of course, no prospect that a decision can be reached in the matter by 1st March.

I am, &c.,

A. F. KING.

Marconi's Wireless Telegraph Company,  
Limited.

Enclosure 3 in No. 93.

Marconi's Wireless Telegraph Company, Limited,  
Marconi House, Strand, W.C.,

20th February, 1913.

SIR,

WE have to acknowledge the receipt of your letter of the 15th instant, in reply to our letter of the 6th instant.

We regret to learn that the Postmaster-General is unable to do more than repeat the conclusion stated in your letter of 5th February.

In these circumstances we are very regretfully obliged to inform you that after the 1st March next we shall no longer consider ourselves bound by the contract of the 19th July last. When a definite decision may be taken with regard to the building of the Imperial stations, we will be pleased again to take this matter into consideration.

I am, &c.,

MARCONI'S WIRELESS TELEGRAPH COMPANY, LIMITED,  
GODFREY C. ISAACS,  
Managing Director.

The Secretary,  
General Post Office, E.C.

Enclosure 4 in No. 93.

General Post Office, London,  
24th February, 1913.

GENTLEMEN,

I AM directed by the Postmaster-General to acknowledge the receipt of your letter of the 20th instant, stating that after the 1st proximo the Marconi Company will no longer consider themselves bound by the contract of the 19th July last.

In reply, I am to repeat that the Postmaster-General does not share the Company's view that they have any right to retire from the contract; and to say that he will hold himself free to enforce all his rights against the Company.

I am, &c.,

A. F. KING.

Marconi's Wireless Telegraph Company,  
Limited.

Enclosure 5 in No. 93.

Marconi's Wireless Telegraph Company, Limited,  
Strand, London, W.C.,  
26th February, 1913

SIR,

I HAVE to acknowledge receipt of your letter of the 24th instant, and regret that the Postmaster-General does not share the Company's views with regard to their responsibility under the contract of the 19th July last.

I am, &c.,

MARCONI'S WIRELESS TELEGRAPH COMPANY, LIMITED,  
GODFREY C. ISAACS,  
Managing Director.

The Secretary,  
The General Post Office,  
London, E.C.

7630

No. 94.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND  
GOVERNORS.

(Canada. No. 202.)

(Australia. No. 166.)

(New Zealand. No. 106.)

(Union of South Africa. No. 112.)

(Newfoundland. No. 67.)

[SIR,] [MY LORD,]

Downing Street, 13th March, 1913.

WITH reference to my despatch No. [135.] [115.] [73.] [76.] [44.] of the 20th February,\* I have the honour to transmit to [Your Royal Highness,] [your Excellency,] [you,], for the information of your Ministers, a copy of a letter† from the General Post Office, enclosing copies of further correspondence with Marconi's Wireless Telegraph Company, Limited, relative to their request to be released from the contract of the 19th July last.

I have, &c.,

L. HARCOURT.

SECRETARIAT NOTE.—The report of the House of Commons Select Committee on the agreement with the Marconi Company was published as House of Commons paper No. 152 of 1913.



11531

No. 95.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th April, 1913.)

[Copy to General Post Office, 11th April, 1913. L.F.]

(No. 175.)

SIR, Governor-General's Office, Cape Town, 19th March, 1913.  
I HAVE the honour to transmit to you herewith, with reference to your despatch No. 50, of the 30th January,\* a copy of a minute from Ministers on the subject of the site for the Imperial wireless station to be erected near Pretoria.

I have, &amp;c.,

GLADSTONE,  
Governor-General.

Enclosure in No. 95.

(Minute 269.)

Prime Minister's Office, Cape Town, 17th March, 1913.

MINISTERS have the honour to state, in connexion with His Excellency's minute No. 43/216, of the 19th ultimo, transmitting a letter from the Right Honourable the Secretary of State for the Colonies in regard to the proposed high-power wireless station near Pretoria, that the transmitting and receiving sites for this station have provisionally been selected by an experienced engineer of the Marconi Company who was recently in South Africa in connexion with other matters, and who was requested by his Company to undertake the work.

LOUIS BOTHA.

1859

No. 96.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 337.)  
(Australia. No. 265.)  
(New Zealand. No. 165.)  
(Union of South Africa. No. 190.)  
(Newfoundland. No. 110.)

[SIR,] [MY LORD,]

Downing Street, 2nd May, 1913.

WITH reference to my despatch No. [61,] [58,] [41,] [35,] [24,] of the 17th January last,† I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the Report‡ of the Committee appointed by the Postmaster-General to consider and report on the merits of the existing systems of long-distance wireless telegraphy, and in particular as to their capacity for continuous communication over the distances required by the Imperial chain.

I have, &amp;c.,

L. HARCOURT.

\* No. 91.

† No. 90.

‡ [Cd. 6781.]

20372

No. 97.

## AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th June, 1913.)

[Copy to General Post Office, 24th June, 1913. L.F.]

[Answered by No. 101.]

(No. 107.)

SIR, Governor-General's Office, Melbourne, 9th May, 1913.  
WITH reference to your despatch dated 9th August, 1912, No. 339,\* on the subject of the wireless telegraph installations in the Commonwealth, I have the honour to inform you that the following radio-telegraph stations are in operation in Australia for the transaction of public correspondence, viz.:—

Sydney (New South Wales).	Perth (Western Australia).
Melbourne (Victoria).	Hobart (Tasmania).
Brisbane (Queensland).	Mount Gambier (South Australia).
Adelaide (South Australia).	Thursday Island (Queensland).
Port Moresby (Papua).	

2. Wireless stations will be opened shortly at Geraldton (Western Australia), and Rockhampton (Queensland), and stations are in course of erection at the under-mentioned places:—

Townsville (Queensland).	Broome (Western Australia).
Cooktown (Queensland).	Wyndham (Western Australia).
Esperance (Western Australia).	Flinders Island (Tasmania).
Roebourne (Western Australia).	Darwin (Northern Territory).

3. The mean normal range of the stations above mentioned is 250 miles overland in day time and 400 miles over sea, excepting the Sydney and Fremantle stations, which, in addition to the normal range for day time, have a large power set capable of communicating 1,250 miles. The rated power of all other stations is five kilowatts, maximum load eight kilowatts, average working load four kilowatts.

4. Fuller details respecting these stations will be communicated if desired.

5. I forwarded for the information of my Ministers copies of the papers enclosed with your despatch now under reference, and the Postmaster-General has asked that an expression of his thanks be conveyed to you for the information contained therein.

I have, &amp;c.,

DENMAN,  
Governor-General.

26234

No. 98.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 576.)  
(Australia. No. 442.)  
(New Zealand. No. 292.)  
(Union of South Africa. No. 328.)  
(Newfoundland. No. 201.)

[SIR,] [MY LORD,]

Downing Street, 1st August, 1913.

WITH reference to my despatch No. [337,] [265,] [165,] [190,] [110,] of the 2nd May,† I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a House of Commons paper‡ containing the new agreement with Marconi's Wireless Telegraph Company, Limited, and Commendatore Guglielmo Marconi, for the establishment of a chain of Imperial wireless stations.

I have, &amp;c.,

L. HARCOURT.



5103

No. 99.

## UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 12.25 p.m., 14th February, 1914.)

TELEGRAM.

[Copy to General Post Office, 17th February, 1914. L.F.]

[Answered by No. 100.]

SHOULD be glad if your Ministers could bring before Parliament wireless telegraph contract as soon as convenient, since decision in case of South African stations affects questions under consideration as to other stations.—HARCOURT.

6928

No. 100.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.30 p.m., 23rd February, 1914.)

TELEGRAM.

[Copy to General Post Office, 24th February, 1914, and to War Office and Admiralty, 27th February, 1914. L.F.]

YOUR telegram 14th February.\* Ministers state that wireless telegraph agreement has been laid on table of both Houses of Parliament for approval as far as South African station is concerned, and that they have resolved to ask Parliament to authorize the necessary expenditure.—GLADSTONE.

20372/13

No. 101.

## AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1 p.m., 6th March, 1914.)

TELEGRAM.

[Copy to General Post Office, 7th March, 1914. L.F.]

[Answered by No. 103.]

YOUR despatch of 9th May, No. 107.† Postmaster-General anxious to know when Port Darwin station expected to be open and what will be its normal day range.—HARCOURT.

12183

No. 102.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Australia. No. 213.)

(Union of South Africa. No. 164.)

MY LORD,

Downing Street, 9th April, 1914.

[With reference to previous correspondence,]

[With reference to your Excellency's despatch No. 110, of the 24th February,†]

I have the honour to transmit to [Your Excellency,] [you,] for the information

\* No. 99.

† No. 97.

‡ 9802: not printed.

of your Ministers, a copy of a revised schedule which I have received from the Postmaster-General of the wave lengths which the Marconi Wireless Telegraph Company propose should be used at the stations of the Imperial wireless chain.

I have, &amp;c.,

L. HARCOURT.

Enclosure in No. 102.

(Schedule No. V. 15604.)

## WAVE-LENGTHS FOR IMPERIAL STATIONS

Station.	Transmitting to	Wave-length, feet.
Oxford	... Egypt	32,300
Cairo	... Devizes	49,000
"	... Nairobi	44,600
"	... India	46,700
Nairobi	... Egypt	22,000
"	... Pretoria	20,000
Pretoria	... Nairobi	41,000
India	... Egypt	23,500
"	... Singapore	25,500
Singapore	... India	17,800
"	... Australia	19,000

Note.—Singapore receives from Australia on 31,500 ft.

R. N. VYVYAN.

16th December, 1913.

14087

No. 103.

## AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7 a.m., 17th April, 1914.)

TELEGRAM.

[Copy to General Post Office, 18th April, 1914. L.F.]

[Answered by No. 105.]

YOUR telegram 6th March.\* Port Darwin radio-telegraphy station now open for transaction of public business: normal range about 250 miles overland and 450 miles oversea day-time. Government contemplate erection second station at Darwin of high power, capable communicating 2,200 miles in all directions at all times day or night, but unable to state when this station will be opened for public business and site not determined. Stations at Townsville, Cooktown, Esperance, Roeburn, Broome, and Flinders Island now open for public business and Wyndham was opened for public business 15th April.—DENMAN.

25270

No. 104.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Australia. Confidential.)

(Union of South Africa. Confidential.)

SIR,

Downing Street, 16th July, 1914.

WITH reference to my despatch [No. 213] [No. 164] of the 9th of April,† I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a further statement from the Marconi Company, on the subject of the wave-lengths to be used at the stations of the Imperial wireless chain.

2. A copy has been sent to the High Commissioner by the Postmaster-General.

I have, &amp;c.,

L. HARCOURT.

\* No. 101.

† No. 102.



## RESOLUTION XVI.: STATE-OWNED WIRELESS TELEGRAPH STATIONS.

Enclosure in No. 104.

In order that there can be no confusion as to what wave-lengths have been definitely chosen for the respective stations of the Imperial scheme, I beg leave to submit to you a new list of wave-lengths, as follows:—

## WAVE-LENGTHS FOR IMPERIAL STATIONS.

Oxford, transmitting to Egypt.	Transmitting wave:	32,300 ft.
Egypt	Oxford.	49,000 "
"	Poona.	46,700 "
"	Nairobi.	44,600 "
Nairobi	Egypt.	22,000 "
"	Pretoria.	20,500 "
Pretoria	Nairobi.	41,000 "
Poona	Egypt.	23,500 "
"	Singapore.	29,000 "
Singapore	Poona.	53,000 "
"	Hong Kong.	17,000 "
"	Australia.	19,500 "

from which it will be noticed that the Indian station wave-lengths communication to Singapore has been changed to 29,000 feet, while the Singapore wave-length to communicate with Poona has been changed from 17,800 to 53,000 feet, and the wave-length from Singapore communicating with Australia from 19,000 to 19,500 feet. It is suggested that the wave-length for Singapore station to communicate to Hong Kong should be 17,000 feet, and the respective angles for the various aerials at the Singapore station have been worked out in accordance with the above-mentioned wave-lengths.

R. N. VYVYAN,  
Marconi Wireless Telegraph Company, Limited,  
18th June, 1914.

26005

No. 105.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.52 p.m., 18th July, 1914.)

TELEGRAM.

[Copy to General Post Office, 20th July, 1914. L.F.]

[Answered by No. 107.]

YOUR telegram of 17th April.\* Is it proposed to provide duplex or simplex working at high-power wireless station, Port Darwin? Postmaster-General anxious to know as soon as possible to assist decision whether duplex working should be installed Singapore.—HARCOURT.

26754

No. 106.

UNION OF SOUTH AFRICA.

THE ACTING GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.39 p.m., 21st July, 1914.)

TELEGRAM.

[Copy to General Post Office, 22nd July, 1914. L.F.]

YOUR telegram 13th July.† Ministers state contract was sanctioned by Union Parliament before prorogation.—DE VILLIERS.

\* No. 103.

† 19151: not printed.

## RESOLUTION XVI.: STATE-OWNED WIRELESS TELEGRAPH STATIONS.

29411

No. 107.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5.51 p.m., 7th August, 1914.)

TELEGRAM.

[Copy to General Post Office, 11th August, 1914. L.F.]

YOUR telegram 18th July.\* It is proposed to provide simplex working at high-power wireless station, Port Darwin.—FERGUSON.

\* No. 105.



## RESOLUTION XIX.: COMMERCIAL TREATIES.

That His Majesty's Government be requested to open negotiations with the several Foreign Governments having commercial treaties which apply to the overseas Dominions, with a view to securing liberty for any of those Dominions which may so desire to withdraw from the operation of the Treaty without impairing the Treaty in respect of the rest of the Empire.

## (a) WITHDRAWAL OF THE DOMINIONS FROM CERTAIN TREATIES.

Costa Rica.

4805

No. 108.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th February, 1914.)

[Answered by No. 110.]

(No. 305.)

SIR, Governor-General's Office, Melbourne, 24th December, 1913.  
REFERRING to your despatch No. 585, dated 3rd October, 1913,\* covering copies of a Protocol between the United Kingdom and Costa Rica, respecting the application of the Treaty of Commerce of 27th November, 1849, to certain parts of His Britannic Majesty's dominions, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government will be glad if the Imperial authorities will give notice of withdrawal from this Treaty on behalf of the Commonwealth, Papua, and Norfolk Island.

I have, &c.,  
DENMAN,  
Governor-General.

4805

No. 109.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 14th February, 1914.  
WITH reference to your letter of the 24th of September last,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, the accompanying copy of a despatch‡ from the Governor-General of the Commonwealth of Australia, requesting that steps may be taken for the termination, with respect to the Commonwealth of Australia, Papua, and Norfolk Island, of the application of the existing Treaty of Commerce of 27th November, 1849, between the United Kingdom and Costa Rica.

2. Mr. Harcourt will be glad if His Majesty's Minister at Panama can be instructed to take the necessary steps to carry into effect the wishes of the Commonwealth Government.

I am, &c.,  
HENRY LAMBERT.

8152

No. 110.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 158.)

MY LORD,

Downing Street, 20th March, 1914.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 305 of the 24th of December last,‡ and to request you to inform your Ministers

\* No. 458 in Dominions No. 45. † No. 456 in Dominions No. 45. ‡ No. 108.

## RESOLUTION XIX.: COMMERCIAL TREATIES (a): WITHDRAWAL OF THE DOMINIONS.

that, in accordance with their request, His Majesty's Minister at Panama has been instructed to take steps for the termination, with respect to the Commonwealth of Australia, Papua, and Norfolk Island, of the existing Treaty of Commerce of the 27th of November, 1849, between the United Kingdom and Costa Rica, and to report in due course the date on which the formal notification is made.

I have, &c.,  
L. HARCOURT.

Denmark.

2005

No. 111.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th January, 1914.)

[Answered by No. 113.]

(No. 297.)

SIR, Governor-General's Office, Melbourne, 12th December, 1913.  
REFERRING to your despatch No. 262, dated 21st June, 1912,\* relative to the Declaration between the United Kingdom and Denmark, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government desires that notice of withdrawal from the existing Anglo-Danish Treaties should be given on behalf of the Commonwealth, Papua, and Norfolk Island.

I have, &c.,  
DENMAN,  
Governor-General.

2005

No. 112.

COLONIAL OFFICE to FOREIGN OFFICE.

[See No. 114.]

SIR,

Downing Street, 28th January, 1914.

WITH reference to your letter of the 7th of June, 1912,† I am directed by Mr. Secretary Harcourt to transmit to you to be laid before Secretary Sir E. Grey the accompanying copy of a despatch‡ from the Governor-General of the Commonwealth of Australia, requesting that steps may be taken for the termination, with respect to the Commonwealth of Australia, Papua, and Norfolk Island, of the application of the existing Anglo-Danish Treaties.

2. Mr. Harcourt will be glad if His Majesty's Minister at Copenhagen can be instructed to take the necessary steps to carry into effect the wishes of the Commonwealth Government.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

6289

No. 113.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 112.)

MY LORD,

Downing Street, 20th February, 1914.

I HAVE the honour to acknowledge the receipt of your despatch No. 297, of the 12th December last,‡ stating that the Commonwealth Government desire that notice

\* No. 308 in Dominions No. 39. † 17564: not printed. ‡ No. 111.



of the termination of the existing Anglo-Danish treaties should be given in respect of the Commonwealth, Papua, and Norfolk Island.

2. I have to request that you will inform your Ministers that the desired notification was addressed to the Danish Government by His Majesty's Minister at Copenhagen on the 7th of February.

I have, &c.,  
L. HARCOURT.

11010

No. 114.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 182.)

MY LORD,

Downing Street, 27th March, 1914.

WITH reference to my despatch No. 112 of the 20th of February,\* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a despatch from His Majesty's Minister at Copenhagen on the subject of the termination of the Anglo-Danish Treaties in respect of the Commonwealth of Australia, Papua, and Norfolk Island, with effect from the 8th of February, 1915.

I have, &c.,  
L. HARCOURT.

Enclosure in No. 114.

(No. 12. Commercial.)

SIR,

Copenhagen, 10th March, 1914.

WITH reference to my despatch of this series, No. 9 of 7th February last, reporting the terms in which I notified to the Danish Government the desire of the Government of Australia to terminate the existing Anglo-Danish Treaties as regards the Commonwealth of Australia, Papua and Norfolk Island, I have now the honour to transmit copy of the acknowledgment of the communication from His Majesty's Legation, stating that note had been duly taken of the desire expressed, and that in that respect the Treaties in question will lapse on 8th February, 1915.

I have, &c.,  
HENRY CROFTON LOWTHER.

The Right Honourable  
Sir E. Grey, Bart., K.G., &c.

MONSIEUR LE MINISTRE,

Copenhagen,  
le 9 mars, 1914.

J'AI eu l'honneur de recevoir votre note en date du 7 du mois passé dans laquelle, d'ordre de votre Gouvernement, vous avez bien voulu m'informer que conformément au protocole signé à Copenhagen le 9 mai 1912 par le Ministre des Affaires Etrangères et le Ministre de Sa Majesté Britannique relatif aux traités en vigueur entre le Danemark et la Grande Bretagne, le Gouvernement d'Australie désire que l'application des traités dano-anglais en vigueur soit terminée quant au Commonwealth of Australia, Papua, et l'île de Norfolk.

J'ai pris acte du désir exprimé par votre Gouvernement au nom du Gouvernement d'Australie, et j'ai l'honneur de confirmer par la présente que les traités dano-anglais du 13 février 1660-61 et du 12 juillet 1670 cesseront d'être en vigueur entre le Danemark et les susdites dominions anglaises à partir du 8 février 1915.

Veuillez agréer etc.,

Son Excellence  
Sir H. Lowther, K.C.M.G., &c.

ERIK SCAVENIUS.

\* No. 113.

24803

No. 115.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th July, 1914.)

[Copy of enclosure to Board of Trade, 17th July, 1914. L.F.]

SIR,

Foreign Office, 7th July, 1914.

WITH reference to the letter from this Department of 24th March last,\* relative to the termination on 8th February, 1915, of the existing Anglo-Danish treaties in respect to the Commonwealth of Australia, Papua, and Norfolk Island, I am directed by Secretary Sir E. Grey to transmit to you herewith a copy of a note which has been received from the Danish Legation suggesting that an arrangement be concluded between the Danish and Australian Governments for the grant of reciprocal most-favoured-nation treatment until a new treaty is agreed upon.

In forwarding this note for the consideration of Mr. Secretary Harcourt, Sir E. Grey would observe that the simplest form of putting such a temporary arrangement on record, if desired, would be by an exchange of notes.

I am, &c.,  
RALPH PAGET.

Enclosure in No. 115.

SIR,

Danish Legation, London, 1st July, 1914.

By a note dated the 7th of February last, the British Minister at Copenhagen, acting on behalf of the Australian Government, has, in compliance with the declaration signed at Copenhagen on the 9th of May, 1912, denounced the treaties concluded between Denmark and Great Britain on 13th of February, 1660-1, and 11th of July, 1670, as far as the Commonwealth of Australia, Papua, and the Norfolk Island are concerned. From the 8th of February, 1915, the commercial relations between Denmark and the said British Dominions will, therefore, be governed by no treaty provisions whatever, whilst the reciprocal most-favoured-nation treatment will still be maintained in the relations between Denmark, Iceland, and the Danish Colonies, on the one side, and the United Kingdom and the self-governing Dominions, except Australia, Papua, and Norfolk Island, on the other.

My Government are aware that the termination of the said treaties does not necessarily imply the withdrawal of the treatment as a most favoured nation, this view having been set forth by Sir Conyngham Greene in the course of his negotiations with the Danish Minister for Foreign Affairs which resulted in the signing of the Declaration of May, 1912. But, even if the abolition of the treaties does not *eo ipso* entail the said consequence, the state of things would, in the opinion of my Government, be unsatisfactory, inasmuch as each of the countries in question would be free to bring the most-favoured-nation treatment to an end whenever they liked and without giving any notice.

Under these circumstances, my Government are of opinion that it would be to the interest of the two countries if an arrangement could be established between the Danish and the Australian Governments to the effect that both of the contracting countries undertake the obligation to grant the reciprocal most-favoured-nation treatment until a new treaty has been agreed upon.

I have, therefore, been instructed by my Government to ask if you would be so good as to cause this matter to be laid before those concerned, and inform me in due course of time whether the Australian Government would be willing to conclude an arrangement based upon the principle of the most-favoured-nation treatment in matters of commerce, customs tariffs, and navigation, and covering the period until the coming into force of a new treaty.

I have, &c.,  
E. REVENTLOW,  
Chargé d'Affaires *ad interim*.

The Right Honourable  
Sir Edward Grey, Bart., M.P., K.G.,  
&c., &c., &c.

\* See enclosure in No. 114.



24803

No. 116.

## AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Board of Trade and Foreign Office, 17th July, 1914. L.F.]

[Answered by No. 117.]

(No. 443.)

SIR,

Downing Street, 17th July, 1914.

WITH reference to my despatch No. 182 of the 27th of March last,\* on the subject of the termination of the Anglo-Danish treaties in respect of the Commonwealth of Australia, Papua, and Norfolk Island, I have the honour to transmit to Your Excellency, for the consideration of your Ministers, the accompanying copy of a note† which has been received from the Danish Legation, suggesting that an arrangement be concluded between the Danish and Australian Governments for the grant of reciprocal most-favoured-nation treatment until a new treaty is agreed upon.

2. The Secretary of State for Foreign Affairs considers that the simplest form of putting on record such a temporary arrangement, if desired, would be an exchange of notes between His Majesty's Government and the Danish Government.

I have, &amp;c.,

L. HARCOURT.

49467

No. 117.

## AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th December, 1914.)

(No. 286.)

SIR,

Commonwealth of Australia, Governor-General's Office,  
Melbourne, 2nd November, 1914.

REFERRING to your despatch No. 443, dated the 17th July, 1914,‡ on the subject of the termination of the Anglo-Danish treaties in respect of the Commonwealth of Australia, Papua, and Norfolk Island, I have the honour to inform you that careful consideration has been given by my Prime Minister to the proposal of the Danish Government that an arrangement be concluded between that Government and the Government of the Commonwealth of Australia for the grant of reciprocal most-favoured-nation treatment until a new treaty is agreed upon.

My Prime Minister now informs me that, in view of the fact that the laws of both countries make no discrimination between the goods of treaty and non-treaty countries, but put all on an equal footing, the Commonwealth Government regrets it is unable to see that any practical advantage would accrue from the proposed agreement.

I have, &amp;c.,

R. M. FERGUSON,

Governor-General.

49951

No. 118.

## FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15th December, 1914.)

[Answered by No. 119.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary

\* No. 114.

† Enclosure in No. 115.

‡ No. 116.

of State for Foreign Affairs to transmit the accompanying copy of a note which has been received from the Danish Minister respecting the withdrawal of Australia from Anglo-Danish treaties.

The Secretary of State would be glad to be advised what answer should be returned to the Danish Minister.

Reference to previous correspondence: Foreign Office, 7th July.\*

Foreign Office,

14th December, 1914.

Enclosure in No. 118.

SIR,

Danish Legation, London, 7th December, 1914.

REFERRING to Count Reventlow's note of 1st July, concerning the withdrawal of Australia from the Anglo-Danish treaties, I have the honour to ask—the date for the withdrawal approaching—whether the Australian Government are disposed to conclude an arrangement with the Danish Government as proposed in the above-mentioned note.

I have, &amp;c.,

H. GREVENKOP CASTENSKIOLD.

The Right Honourable

Sir Edward Grey, Bart., K.G., &amp;c.

49951

No. 119.

## COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 23rd December, 1914.

WITH reference to your letter of the 14th instant,† relative to the termination of the Anglo-Danish treaties in respect of the Commonwealth of Australia, Papua, and Norfolk Island, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir Edward Grey, a copy of a despatch‡ from the Governor-General of the Commonwealth, from which it will be seen that the Commonwealth Government do not consider that any practical advantage would accrue from the arrangement proposed by the Danish Government pending the conclusion of a new treaty.

I have, &amp;c.,

L. HARCOURT.

## Norway.

32505

No. 120.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 734.)

(Australia. No. 560.)

(New Zealand. No. 369.)

(Union of South Africa. No. 397.)

(Newfoundland. No. 254.)

[SIR,] [MY LORD,]

Downing Street, 26th September, 1913.

WITH reference to my despatch No. [885 A,] [477 A,] [373 A,] [588 A,] [249 A,] of the 1st November, 1911,§ I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a Convention|| between His Majesty's Government and the Government of Norway, signed on the 16th May, 1913, securing to the two Governments the right of termination with respect to the self-governing Dominions of the Convention of Commerce and Navigation between Great Britain and Norway of the 18th March, 1826.

2. I request that you will inform your Ministers that the ratifications of the Convention were exchanged on the 8th September.

I have, &amp;c.,

L. HARCOURT.

\* No. 115. † No. 118. ‡ No. 117. § No. 223 in Dominions No. 39. || [Cd. 7095], Sept., 1913.



2006

No. 121

## AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th January, 1914.)

[Answered by No. 123.]

(No. 298.)

SIR, Governor-General's Office, Melbourne, 12th December, 1913.  
 REFERRING to your despatch No. 560, dated 26th September, 1913,\* covering copy of a Convention between the United Kingdom and Norway, respecting the application of the Convention of Commerce and Navigation of 18th March, 1826, to the self-governing Dominions, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government desires that notice of withdrawal from the Convention of 1826 should be given on behalf of the Commonwealth, Papua, and Norfolk Island.

I have, &c.,  
 DENMAN,  
 Governor-General.

2006

No. 122.

## COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 28th January, 1914.  
 WITH reference to your letter of the 16th of September last,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, copy of a despatch‡ from the Governor-General of the Commonwealth of Australia, requesting that steps may be taken for the termination with respect to the Commonwealth of Australia, Papua, and Norfolk Island of the application of the Convention of Commerce and Navigation between the United Kingdom and Norway of the 18th of March, 1826.

2. Mr. Harcourt will be glad if His Majesty's Minister at Christiania can be instructed to take the necessary steps to carry into effect the wishes of the Commonwealth Government.

I am, &c.,  
 HENRY LAMBERT,  
 for the Under-Secretary of State.

8981

No. 123.

## AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 144.)

MY LORD, Downing Street, 13th March, 1914.  
 WITH reference to Your Excellency's despatch No. 298, of the 12th of December, 1913,‡ I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a despatch from His Majesty's Minister at Christiania, on the subject of the termination of the application to the Commonwealth of Australia, Papua, and Norfolk Island of the Anglo-Norwegian Commercial Convention of 1826.

I have, &c.,  
 L. HARCOURT.

\* No. 120. † 32505: not printed. ‡ No. 121.

Enclosure in No. 123.

(No. 12. Commercial.)

SIR, Christiania, 26th February, 1914.  
 WITH reference to my despatch No. 7, Commercial, of the 10th instant, I have the honour to transmit, herewith, copy of a note I have received from the Norwegian Minister for Foreign Affairs, acknowledging my note of the 10th instant, and stating that the Anglo-Norwegian Commercial Convention of 18th March, 1826, will cease to have effect, as far as the Commonwealth of Australia (Papua and Norfolk Island) are concerned, on 10th February, 1915.

I have, &c.,  
 M. DE C. FINDLAY.

The Right Honourable  
 Sir E. Grey, Bart., K.G., M.P.,  
 &c., &c., &c.

MR. IHLEN to MR. FINDLAY.

Ministère des Affaires Etrangères,  
 Kristiania, le 23 février 1914.

MONSIEUR LE MINISTRE,

J'ai l'honneur de vous accuser réception de votre office du 10 février dernier, par lequel vous avez bien voulu me notifier la dénonciation de la Convention de commerce et de navigation entre la Norvège et la Grande Bretagne et l'Irlande en date du 18 mars, 1826, pour ce qui concerne son application à la Confédération Australienne, à Papua et à l'Île de Norfolk.

En vertu des dispositions de la Convention signée à Kristiania le 16 mai, 1913, la Convention de Commerce et de Navigation du 18 mars, 1826, cessera donc de sortir ses effets, pour ce qui est de la Confédération Australienne, de Papua, et de l'Île de Norfolk, le 10 février 1915.

Veillez agréer, &c.,  
 IHLEN.

Monsieur M. de C. Findlay,  
 Ministre de Sa Majesté Britannique,  
 etc., etc., etc.,  
 Kristiania.

Paraguay

17882

No. 124.

## AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 322.)

SIR, Downing Street, 22nd May, 1914.  
 WITH reference to my despatch No. 449, of the 6th November, 1912,\* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copies of despatches from His Majesty's Minister at Buenos Aires, on the subject of the notification to the Paraguayan Government of the desire of His Majesty's Government to terminate the Anglo-Paraguayan Commercial Treaty of 16th October, 1884, in respect of Papua.

I have, &c.,  
 L. HARCOURT.

\* No. 313 in Dominions No. 45.



Enclosure 1 in No. 124.

(No. 228. Commercial.)

SIR, Buenos Aires, 19th November, 1912.  
 WITH reference to your despatch, No. 63, Commercial, of the 8th ultimo, I have the honour to transmit to you, herewith, copy of a despatch which I have received from His Majesty's Chargé d'Affaires at Asuncion informing me that he has given twelve months' notice of the desire on the part of His Majesty's Government to terminate the Anglo-Paraguayan Commercial Treaty of 16th October, 1884, in respect of the Colony of Papua, in accordance with your instructions.

I have, &c.,  
 REGINALD TOWER.

The Right Honourable  
 Sir Edward Grey, Bart., K.G., M.P.,  
 &c., &c., &c.

(No. 51.)

SIR, Asuncion, 14th November, 1912.  
 I HAVE the honour to acknowledge the receipt of your despatch, No. 28 of the 4th instant, informing me of the desire of His Majesty's Government to terminate the Anglo-Paraguayan Commercial Treaty of 16th October, 1884, in respect of the Colony of Papua, and instructing me to give twelve months' notice to this effect in accordance with the Anglo-Paraguayan Declaration of 14th March, 1908, to the Minister for Foreign Affairs.

I beg leave to report that I have to-day addressed a letter to Dr. Ayala in which I have, in accordance with your instructions, given notice in the sense indicated.

I have, &c.,  
 F. OLIVER.

Sir Reginald Tower, K.C.M.G., C.V.O.,  
 &c., &c., &c.

Enclosure 2 in No. 124.

(No. 118. Commercial.)

SIR, Buenos Aires, 20th April, 1914.  
 WITH reference to your despatch, No. 21, Commercial, of the 10th ultimo, relative to the desire of His Majesty's Government to terminate the Anglo-Paraguayan Commercial Treaty of 16th October, 1884, in respect of Papua, I have the honour to transmit copy of a despatch—dated the 15th instant, and numbered 15—which I have received on the subject from His Majesty's Chargé d'Affaires at Asuncion.

Mr. Oliver states that he has received a note from the Paraguayan Minister for Foreign Affairs on 18th December, 1912, acknowledging the receipt of his communication of 14th November of the same year, notifying the desire of His Majesty's Government in the above respect, in which His Excellency stated that due note had been taken by the Paraguayan Government of its contents.

I have, &c.,  
 H. NORMAN.

The Right Honourable  
 Sir Edward Grey, Bart., K.G., M.P.,  
 &c., &c., &c.

(No. 15.)

SIR, Asuncion, 15th April, 1914.  
 WITH reference to your despatch of the 7th instant relative to the instruction to notify the Paraguayan Government of the desire of His Majesty's Government to terminate the Anglo-Paraguayan Commercial Treaty of 16th October, 1884, in respect of Papua, I have the honour to inform you that I received from Dr. Eusebio Ayala, the Paraguayan Foreign Minister, a despatch, dated 18th December, 1912, in which His Excellency acknowledged the receipt of my communication of 14th November, 1912, referred to, and stated that due note had been taken by his Department of its contents.

I have, &c.,  
 F. OLIVER.

H. C. Norman, Esq.,  
 His Majesty's Chargé d'Affaires,  
 &c., &c., &c.,  
 Buenos Aires.

Portugal.

44877

No. 125.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12 noon, 2nd January, 1914.)

TELEGRAM.

[Copies to Foreign Office and Board of Trade 5th January, 1914. L.F.]

YOUR telegram 19th December.\* His Majesty's Government will endeavour to obtain insertion of usual Colonial clauses, but are not certain whether these can be secured. As regards duties on cod and other fish, Newfoundland Government have offered, in return for minimum tariff, reduction of duties on port and madeira from \$1.80 to \$1 per gallon. Shall be glad to learn whether your Ministers are prepared, if necessary, to make similar concession, or, if not, whether they are disposed to offer Portuguese Government any corresponding advantage.—HARCOURT.

31671

No. 126.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 907.)  
 (Australia. No. 690.)  
 (New Zealand. No. 522.)  
 (Union of South Africa. No. 601.)  
 (Newfoundland. No. 414.)

[SIR,] [MY LORD,]

Downing Street, 20th November, 1914.

WITH reference to previous correspondence I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that a Treaty of Commerce and Navigation has been concluded with the Portuguese Republic.

2. I enclose copies of the treaty† in the form of a schedule to a Bill which has been introduced into the House of Commons in accordance with the terms of Article 6 of the treaty and of the final protocol.

3. I would invite attention to the terms of Article 21 of the treaty in regard to the application of the treaty to His Majesty's dominions oversea and to goods produced or manufactured therein.

I have, &c.,  
 L. HARCOURT.

49288

No. 127.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 999.)  
 (Australia. No. 755.)  
 (New Zealand. No. 578.)  
 (Union of South Africa. No. 679.)  
 (Newfoundland. No. 466.)

[SIR,] [MY LORD,]

Downing Street, 18th December, 1914.

WITH reference to my despatch No. [907,] [690,] [522,] [601,] [414,] of the 20th ultimo,‡ I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of the Anglo-Portuguese Commercial Treaty Act, 1914.§

I have, &c.,  
 L. HARCOURT.

\* No. 486 in Dominions No. 45.

† Not reprinted: see 5 Geo. V., cap. 1.

‡ No. 126.

§ 5 Geo. V., cap. 1.



Russia.

1748

No. 128.

## BOARD OF TRADE to COLONIAL OFFICE.

(Received 15th January, 1914.)

[Answered by L.F. transmitting copy of No. 129.]

Board of Trade (Marine Department), 7, Whitehall Gardens,  
London, S.W., 14th January, 1914.

SIR,

I AM directed by the Board of Trade to offer the following observations in reply to your letter of 1st December (No. 33,992/1913),\* forwarding copy of correspondence with the Foreign Office relative to the contention advanced by the Russian Government that if a treaty should cease to apply to a self-governing Dominion "vessels of the said Dominion" would cease to be entitled to the benefits conferred by the treaty on British vessels generally.

2. The Board have carefully considered the Colonial Office memorandum† which it is suggested should be laid before the Law Officers, and they do not deny the cogency from a theoretical point of view of some of the arguments used in the memorandum. But, while they do not doubt that a fairly plausible case could be made out in support of the thesis that all British vessels must be treated alike under a treaty with a foreign Power, they do not think that this fact by itself ought to have decisive weight, since, in view of the very special circumstances of the British Empire and of the varying language and purport of British treaties concluded in different stages of Imperial development, it is probably possible to draw up an equally effective case in support of a variety of inconsistent contentions.

3. With regard to the draft reference to the Law Officers, whatever be the legal strength of the arguments in favour of your Department's views as to the interpretation to be put upon the treaties in question, the Board can see no advantage in obtaining a ruling in this sense, except as a step towards inducing the foreign countries who are parties to the treaties to admit the soundness of the proposed interpretation, either by persuasion or, in the last resort, by taking the matter to arbitration.

4. The Board of Trade do not believe that any foreign Power which appreciated the real nature of the issues involved would admit the contention advanced by the memorandum. They have also grave doubt whether any impartial arbitrator, e.g., the Hague Tribunal, would support that view. If, however (contrary to the Board's belief), an arbitral decision were given in favour of this contention, the Board apprehend that some at least of the States with which His Majesty's Government have concluded treaties would at the earliest moment exercise their right of denunciation in order to procure the insertion of words expressly excluding the interpretation in question.

5. The Board are led to this view by considering the manifest and glaring injustice which would result from an interpretation under which a British Dominion would, in practice, be free to inflict any treatment it pleased on the ships of a foreign country, while its own ships remained entitled to full treaty privileges in such country. In their opinion no technical arguments of a legal character can outweigh this practical objection.

6. If, therefore, the contention were to prevail that ships of a self-governing Dominion can claim treaty privileges even if the treaty is not in force in the Dominion, His Majesty's Government would, in the Board's opinion, be reasonably expected to guarantee foreign countries with which they have concluded treaties against the practical consequences of this doctrine, and it is difficult to see how this could be done except by the re-assertion of direct Imperial control over the treatment of foreign ships by British Dominions possessing responsible government. The difficulty of taking such a step will be evident to Mr. Harcourt.

7. The Board of Trade further consider that on grounds of policy the maintenance of the proposed interpretation, even if possible, would probably not be to the advantage of British interests generally. They think it questionable whether it is

\* No. 475 in Dominions No. 45.

† Enclosure in No. 474 in Dominions No. 45.

desirable to attempt to secure treaty privileges for the Dominions without subjecting them to any of the corresponding obligations. It is obvious that to do so weakens any motive for the adherence of the Dominions to commercial treaties. It also encourages irresponsible steps on the part of the Dominion Governments to the detriment of foreign countries, which may react unfavourably on British commercial interests in those countries.

8. It appears to the Board of Trade that the best safeguard against such danger is the recognition by the Dominions that any claim of their shipping to international privileges depends strictly on their willingness to reciprocate, and that if they discriminate against foreign shipping they must expect discrimination in return. Moreover, there is also the possibility that foreign countries, having thoroughly learned the doctrine that all British shipping is to be treated as one, might deduce the corollary that the proper way to defend their shipping against discrimination in a self-governing Dominion is by retaliating, not only on the ships of that Dominion, but on the whole British mercantile marine, which is far more vulnerable to reprisals.

9. On the above grounds the Board of Trade venture to doubt the advisability of raising the question at the present moment, unless there is some very strong reason which necessitates this being done. So far as they can judge, the questions at issue in the case of the Russian treaty are not of sufficient practical importance to outweigh the serious objections to the course proposed. If, however, after considering these objections, Mr. Harcourt is still of opinion that the matter should be put before the Law Officers, the Board of Trade would ask to have an opportunity of being represented at any conference held with the Law Officers, before their opinion is given.

I am to add that the Board are causing copy of this letter to be forwarded to the Foreign Office.

I have, &amp;c.,

H. LLEWELLYN SMITH.

1748

No. 129.

## COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 132.]

[Copy to Board of Trade, 3rd February, 1914. L.F.]

SIR,

Downing Street, 31st January, 1914.

WITH reference to the letter from this Office of the 4th of December last,\* I am directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that he understands that the Board of Trade have forwarded to you a copy of their letter of the 14th of January,† regarding the position of British vessels under treaties with foreign Powers.

2. In their letter of the 19th of August last‡ to the Foreign Office the Board of Trade expressed their concurrence in the proposal that the Law Officers should be consulted on this question. After further consideration of the matters of policy involved the Board now suggest that the proposal should not be pursued. While fully appreciating the importance of the points raised by the Board of Trade, Mr. Harcourt regrets that, for the following reasons, he is unable to concur in this suggestion. At the request of the Imperial Conference of 1911, His Majesty's Government proposed to the Russian Government an arrangement under which the Anglo-Russian Treaty of 1859 may cease to apply to the self-governing Dominions. The Russian Government have placed a certain interpretation on the proposal, and the question must be answered whether or not that interpretation is correct. The object of His Majesty's Government in making the proposal, and of the Imperial Conference in requesting that it should be made, cannot, of course, have been to produce a result different from that prevailing under existing treaties which do not apply to the self-governing Dominions. The answer, therefore, to the question whether the Russian Government have or have not correctly interpreted the proposal of His Majesty's Government depends on the answer to be returned to the question of the position of British vessels assignable (by whatever test) to a Colony under a treaty which confers rights on British vessels generally, but does not extend to that Colony.

\* No. 477 in Dominions No. 45. † No. 128. ‡ Enclosure 1 in No. 453 in Dominions No. 45.



3. So far as the existing treaties are concerned, the matter would appear to be solely one of interpretation, and, should the Law Officers of the Crown hold that, in cases where rights are conferred on British ships generally, British ships are entitled to this right even if they "belong" to a Colony where the treaty does not apply, it would seem that His Majesty's Government will have no alternative but to act on the ruling, as rights acquired under the existing treaties must be respected, and it would obviously be out of the question, if the correct interpretation of the Treaty of 1815 with the United States is that Canadian vessels are entitled to the benefits conferred by the treaty on British vessels generally, for His Majesty's Government, by acting on the contrary interpretation, to exclude Canadian vessels. The question of policy can, therefore, only arise in connexion with future treaties. It may or may not be desirable in future treaties to introduce a stipulation that the benefits of the treaty shall not extend to ships registered in a Colony to which the treaty does not apply. If it is decided to introduce such a stipulation it will be necessary to explain the reasons to the self-governing Dominions, but the only question at present is: whether or not, in the absence of such a stipulation, such ships are entitled to the benefits conferred on British ships generally, and, in Mr. Harcourt's opinion, it is essential that the Law Officers of the Crown should be consulted on this question.

4. I am to add that Mr. Harcourt has no objection to the letter from the Board of Trade being laid before the Law Officers, but, in that case, he must request that a copy of this letter shall at the same time be laid before them.

5. A copy of this letter has been sent to the Board of Trade.

I am, &c.,

HENRY LAMBERT.

7447

No. 130.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 28th February, 1914.)

[Answered by L.F. transmitting copy of No. 131.]

Board of Trade (Commercial Department), Gwydyr House,  
Whitehall, London, S.W., 27th February, 1914.

SIR,

WITH reference to your letter of 3rd February,\* respecting the position of British vessels under treaties with foreign Powers, I am directed by the Board of Trade to transmit to you herewith, to be laid before Mr. Secretary Harcourt, copy of a letter on the subject which they have caused to be addressed to the Foreign Office.

I have, &c.,

H. LLEWELLYN SMITH.

Enclosure in No. 130.

Board of Trade (Commercial Department), Gwydyr House,  
Whitehall, London, S.W., 27th February, 1914.

SIR,

I AM directed by the Board of Trade to state that they have received from the Colonial Office copy of a letter addressed on 31st January to your Department, respecting the proposed reference to the Law Officers of the question of the position of British vessels under treaties with foreign Powers.

It appears to the Board that the question whether or not His Majesty's Government should agree, in their negotiation with the Russian Government, to renounce categorically the right (if any) of vessels belonging to Colonies which withdraw from the existing Anglo-Russian Treaty to benefit by the provisions of that treaty is one that does not necessarily depend upon the solution of the general question of the rights of Colonial vessels under other treaties. Any arrangement made with the Russian Government must necessarily take the form of a new treaty

\* L.F. transmitting copy of No. 129.

or convention, and it is clearly open to His Majesty's Government, in making such a treaty, to adopt whatever course they may think most conducive to the interests of this country and of the Dominions.

As, therefore, in the opinion of the Board of Trade, the question of general interpretation of treaties does not necessarily arise on the particular question which has now to be decided, and as, for reasons explained in a former letter, they consider that it is inexpedient, on grounds of policy, to raise this general question if it can be avoided, the Board do not feel able to modify the view expressed in their previous letter.

If, however, on full consideration of the matter, Sir Edward Grey should think it desirable to take the opinion of the Law Officers on the question, the Board would, as already stated, be glad to have an opportunity of being represented at any conference for the purpose which Sir E. Grey may see fit to arrange.

I have, &c.,

H. LLEWELLYN SMITH.

The Under-Secretary of State,  
Foreign Office.

7447

No. 131.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 12th March, 1914. L.F.]

[Answered by No. 132.]

SIR,

Downing Street, 11th March, 1914.

I AM directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that he has received from the Board of Trade a copy of their letter to the Foreign Office of the 27th of February,\* regarding the proposed reference to the Law Officers of the Crown of the question of the position of the British vessels under treaties with foreign Powers.

2. Mr. Harcourt has given careful consideration to the arguments adduced in the letter from the Board of Trade, but he still considers that, for the reasons given in the letter from this Office of the 31st of January,† it is necessary to obtain from the Law Officers a ruling on the legal aspect of the matter. The question of the policy to be adopted should, in Mr. Harcourt's opinion, stand over for further discussion, when the legal position has been definitely ascertained as the result of the proposed reference to the Law Officers.

3. A copy of this letter has been sent to the Board of Trade.

I am, &c.,

HENRY LAMBERT.

22009

No. 132.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15th June, 1914.)

[Answered 20th May, 1915 (16925). See Dominions No. 57.]

SIR,

Foreign Office, 15th June, 1914.

I AM directed by Secretary Sir E. Grey to state that he has had under consideration the correspondence between the Colonial Office and the Board of Trade, as set forth in your letters of the 31st January and the 11th March respectively,‡ on the subject of the position of British colonial vessels under commercial treaties with foreign Powers, with special reference to the Anglo-Russian Treaty of 1859.

2. Sir E. Grey is in complete agreement with the views expressed in the letter from the Board of Trade to the Colonial Office of the 14th January§ as to the inadvisability of urging on foreign Powers the doctrine that British colonial vessels are entitled to claim all the rights secured in a treaty to British vessels even if

\* Enclosure in No. 130. † No. 129. ‡ Nos. 129 and 131. § No. 128.



the Colony or Dominion to which the vessels belong are not parties to the treaty. Sir E. Grey realizes that technically His Majesty's Government would possibly be justified in asserting this interpretation, and he does not doubt that the Law Officers of the Crown, in examining the matter from a purely legal point of view and applying to it the strict canons of legal construction, would uphold such an interpretation. Sir E. Grey is, however, satisfied that no foreign Government would accept an interpretation which, as pointed out in the Board of Trade letter, would in practice permit a British Dominion to inflict any treatment it pleased on the ships of the other country, while its own ships remained entitled to full treaty privileges in such country. He is, indeed, doubtful whether the Hague Tribunal, if the question came before them, might not allow this practical objection from the point of international usage and comity to outweigh the purely technical arguments, however strong, in support of the opposite view.

3. There are no doubt cases where British interests might demand of His Majesty's Government that they should support certain views and assert them as far as possible in spite of the opposition of foreign Governments; but, were His Majesty's Government to maintain the present theory, Sir E. Grey is convinced that such a policy would, in fact, be not only disadvantageous to British commercial interests but also injurious to the relations existing between the Imperial Government and the self-governing Dominions.

4. By securing treaty privileges for the Dominions without subjecting them to any of the corresponding obligations the Dominion Governments might conceivably be encouraged to behave in an irresponsible manner in their general dealings with foreign States.

5. Thus a Dominion Government might discriminate against the shipping of a country which is bound by treaty to grant national treatment to British vessels. In such a case His Majesty's Government would, in the interests of international comity, find themselves compelled to intervene in order to secure, if possible, for the shipping of that country the same treatment as they would, in like circumstances, according to the present theory, demand for vessels of the Dominions. In the event of the Dominion Government proving recalcitrant His Majesty's Government would be faced by the alternatives either of confessing their impotence to secure the equitable treatment of a friendly Government or else of reasserting direct Imperial control over the treatment of foreign ships by Dominion Governments. The one alternative would be objectionable from an international point of view, whereas the other, as Mr. Harcourt will doubtless agree, would be objectionable, if not impracticable, from an Imperial point of view.

6. As regards the danger to British shipping generally, I am to point out that the policy of insisting on all British shipping being treated as one would, in the case of disputes arising between a Dominion and a foreign Government, justify the latter in retaliating, not only on the ships of the Dominion, but on the whole of the British mercantile marine, without His Majesty's Government having any grounds for protesting against such treatment.

7. Sir E. Grey is convinced that these are the effects that the policy now advocated by the Colonial Office may be expected to produce in practice, and, as he is supported in this view by the Board of Trade, he regrets that it would be impossible for him to maintain such a policy in his dealings with foreign Governments. This being so, he trusts that Mr. Harcourt will recognize that no useful purpose would be served by obtaining from the Law Officers of the Crown a legal opinion in support of a theory which, for political reasons, His Majesty's Government would be unable to accept or to act upon in practice.

8. Sir E. Grey feels bound to dissent entirely from the view expressed in your letter 1748/1914, of the 31st January,\* to the effect that, should the Law Officers hold that in cases where rights are conferred on British ships generally British ships are entitled to those rights even if they belonged to a Colony where the treaty does not apply, His Majesty's Government would have no alternative but to act on that ruling. The attitude of His Majesty's Government in such cases is, and must always be, in the ultimate resort a matter of policy, and Mr. Harcourt will recognize that there is no absolute obligation on His Majesty's Government to shape their policy in conformity with the views of the Law Officers.

9. In the same letter it is urged that this question must be decided forthwith as it is necessary to inform the Russian Government, in connexion with the present negotiations, of the interpretation placed by His Majesty's Government on the words "British vessels." I am to point out, however, that this question has never been raised by the Russian Government, and has only arisen incidentally owing to the wording of the counter-protocol submitted by the Russian Government. It will be recollected that in the course of the similar negotiations with the Norwegian Government the latter submitted a draft protocol which involved this very question (see Foreign Office letter of the 6th November, 1912,\* and subsequent correspondence). It was found possible, however, to avoid any discussion on the subject, and, as Mr. Harcourt is aware, a protocol was eventually concluded with Norway which met the requirements of His Majesty's Government without referring in any way to British colonial vessels.

10. As in any case it would be impossible, on account of objections raised by the Board of Trade and the Government of India, to accept the Russian protocol as it stands, Sir E. Grey proposes to request the Russian Government to accept a counter-draft which, in the place of the first five articles of the Russian protocol, would contain a single article on the lines of the protocol concluded with Denmark, Norway, and Colombia. The protocol would, in addition, contain Article 6 of the Russian protocol modified so as to meet the wishes of the Board of Trade and the Government of India, and also the two articles proposed by the Board of Trade in their letter of the 26th March, 1913 (see Foreign Office letter of 8th April).† A draft of this proposed protocol is enclosed herewith. In submitting this further protocol to the Russian Government Sir E. Grey would not give any detailed reasons for not accepting Articles 1—4 of the Russian protocol, but would urge the simpler wording used in the Anglo-Dutch protocol on the grounds that several other Powers have already accepted it as satisfactory, and that uniformity in the wording of these protocols is desirable.

11. If the Russian Government declines to agree to this proposal it will perhaps be necessary, as it was in the case of the negotiations with the Swiss Government, to consider the question of providing for the termination as regards His Majesty's self-governing Dominions of only the purely commercial articles of the treaty.

12. A copy of this letter is being sent to the Board of Trade and the India Office.

I am, &c.,  
A. LAW.

#### Enclosure in No. 132.

#### DRAFT ANGLO-RUSSIAN PROTOCOL.

WHEREAS it is desirable to amend in certain respects the commercial treaty between the United Kingdom and Russia of the 31st December, 1858/12th January, 1859, the Government of His Britannic Majesty and the Imperial Russian Government have agreed as follows:—

1. The following clause shall be added to Article V. of the treaty:—

"Each of the contracting parties shall permit the carriage of passengers from or to their respective territories upon the vessels of the other, and such vessels and their passengers shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than national vessels and their passengers."

2. Article VIII. of the treaty shall be replaced by the following article:—

"The provisions of this treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade in respect of which the subjects and vessels of the contracting parties shall enjoy most-favoured-nation treatment."

"British and Russian vessels may nevertheless proceed from one port to another, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination."



"It is also understood that, in the event of the coasting trade of either country being exclusively reserved to national vessels, the vessels of the other country, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the former country of passengers holding through tickets or of merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this treaty."

3. Clause 2 of the additional Article 2 of the treaty shall be replaced by the following clause:—

"(2) Exemptions or advantages in the matter of import or export duties which are or may be granted (a) in favour of the inhabitants of Archangel or of the northern or eastern littoral of Asiatic Russia (Siberia); or (b) for the purpose of facilitating frontier traffic along the land frontier of either of the contracting States in respect of goods which both originate and are destined for consumption within a zone extending 15 kilometres on each side of the frontier; or (c) in favour of the natural products of Asiatic countries conterminous with the territories and protectorates of either of the contracting States, when imported overland; so long as no such exemptions or advantages are extended to goods the produce of or imported from the territories of any other foreign State."

4. The above articles shall have the same force, application and duration as if they were inserted word for word in the treaty of the 31st December, 1858/12th January, 1859.

5. Either of the contracting parties shall have the right to terminate the treaty, as amended by the foregoing articles, with respect to any or all of the following portions of His Britannic Majesty's Dominions, at any time on giving twelve months' notice to that effect, viz., the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and the Colony of Newfoundland.

It is further agreed that should the said treaty cease, in pursuance of this protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island if so desired by either of the contracting parties.

In witness thereof the undersigned have signed the present declaration in duplicate, and have affixed thereto their seals.

Done—

Sweden.

No. 133.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th January, 1914.)

[Answered by No. 134.]

(No. 299.)

SIR,

Governor-General's Office, Melbourne, 12th December, 1913.

WITH reference to your despatch No. 558, dated 29th December, 1911,\* I have the honour to inform you that it is the desire of the Commonwealth Government that notice should be given to the Government of Sweden to secure the release of the Commonwealth from the Anglo-Swedish Treaties of 1654, 1656, 1661, 1766, and 1826.

2. It is observed that no provision has been made in the Declaration between the United Kingdom and Sweden signed at Stockholm (Treaty Series 1911, No. 26) for the withdrawal of Papua and Norfolk Island simultaneously with the withdrawal of the Commonwealth from the Treaties in question.

\* No. 246 in Dominions No. 39.

3. The Commonwealth Government desires that, in addition to the withdrawal of the Commonwealth, arrangements shall be made for the withdrawal of Papua and Norfolk Island, and I shall be glad if you will be good enough to cause action to be taken accordingly.

I have, &c.,

DENMAN,

Governor-General.

2007

No. 134.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 52.)

MY LORD,

Downing Street, 29th January, 1914.

WITH reference to your Excellency's despatch No. 299 of 12th December last,\* I have the honour to request you to inform your Ministers that steps will be taken, as desired, for the termination of the application of the Anglo-Swedish Treaties to the Commonwealth of Australia, Papua, and Norfolk Island.

2. As regards the second paragraph of your despatch, I have to refer your Ministers to the enclosures in my despatch No. 249 of the 12th of June, 1912,† from which it will be seen that arrangements had already been made to enable His Majesty's Government to terminate the application of the Treaties with respect to Papua and Norfolk Island.

I have, &c.,

L. HARCOURT.

2007

No. 135.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 136.]

SIR,

Downing Street, 29th January, 1914.

WITH reference to your letter of 7th May, 1912,‡ I am directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that the Commonwealth Government desire that notice should be given to the Swedish Government to terminate the application to the Commonwealth of Australia, Papua, and Norfolk Island, of the Commercial Treaties between Great Britain and Sweden of 1654, 1656, 1661, 1766, and 1826.

2. Mr. Harcourt will be glad if steps can be taken to comply with the request of the Government of the Commonwealth.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

16343

No. 136.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 5th May, 1914.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by the direction of the Secretary of State, transmits herewith copy of a despatch from Mr. Howard, No. 27 Commercial, dated 23rd April, 1914, respecting the Anglo-Swedish Commercial Treaties.

Reference to previous correspondence: Letter to Foreign Office, 29th January, 1914 (2007/1913-14).§

Foreign Office,

4th May, 1914.

\* No. 133.

† No. 303 in Dominions No. 39.

‡ No. 288 in Dominions No. 39.

§ No. 135.



Enclosure in No. 136.

(No. 27 Commercial.)

SIR, Stockholm, 23rd April, 1914.  
 WITH reference to your despatch No. 20, Commercial, of 6th April, respecting the termination of the application to the Commonwealth of Australia, Papua, and Norfolk Island of certain Anglo-Swedish Commercial Treaties, I have the honour to enclose, herewith, copy of a note received to-day from the Swedish Minister for Foreign Affairs, in which he acknowledges receipt of a communication which I addressed to him on the 10th February last in accordance with the instructions contained in your despatch No. 5, Commercial, of 5th February.

I have, &amp;c.,

ESME HOWARD.

The Right Honourable

Sir E. Grey, Bart., K.G., M.P., &amp;c., &amp;c., &amp;c.

MONSIEUR LE MINISTRE,

Stockholm, le 20 avril, 1914.

J'ai l'honneur d'accuser réception de Votre lettre à ce Ministère, en date du 10 février dernier, par laquelle vous avez bien voulu informer le Ministère que le Gouvernement d'Australie a exprimé le désir de dénoncer pour la Confédération des Etats d'Australie, pour Papua, et pour l'île de Norfolk les traités de commerce conclus entre le Gouvernement Suédois et le Gouvernement Britannique le 11 avril, 1654, le 17 juillet, 1656, le 21 octobre, 1661, le 5 février, 1766, et le 18 mars, 1826.

Veuillez agréer, &amp;c.,

K. WALLENBERG.

Monsieur Howard,  
&c.

16343

No. 137.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 274.)

MY LORD,

Downing Street, 7th May, 1914.

WITH reference to my despatch No. 52 of the 29th January,\* I have the honour to request Your Excellency to inform your Ministers that notice was duly given to the Swedish Government to terminate the application to the Commonwealth of Australia, Papua, and Norfolk Island of the Commercial Treaties between Great Britain and Sweden of 1654, 1656, 1661, 1766, and 1826, and I now enclose, for your Ministers' information, a copy of a despatch† from His Majesty's Minister at Stockholm forwarding a copy of a note from the Swedish Minister for Foreign Affairs acknowledging the receipt of the notification.

I have, &amp;c.,

L. HARCOURT.

146

Switzerland.

No. 138.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 2nd January, 1914.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to the Swiss Minister, dated December 31st, respecting the withdrawal of Colonies from the Anglo-Swiss Commercial Treaty of 1855.

Reference to previous correspondence: Letter to Foreign Office, 1st December (40109/1913).†

Foreign Office,

2nd January, 1914.

\* No. 134.

† Enclosure in No. 136.

‡ No. 473 in Dominions No. 45.

Enclosure in No. 138.

Foreign Office, December 31st, 1913.

SIR,

WITH reference to the note which you were good enough to address to me on the 25th April, respecting the proposed modification of the Anglo-Swiss Commercial Treaty of 1855, I have now the honour to inform you that His Majesty's Government are prepared to conclude an arrangement with the Swiss Government on the lines laid down in that note.

As it is necessary that this arrangement should be ratified by the Swiss Federal Assembly, I would suggest that it should be drawn up in the form of a Convention, which will provide for subsequent ratification by both parties.

I have the honour to submit herewith for your consideration a draft Convention to this effect, drawn up in French and English.\*

If the text meets with the approval of the Swiss Government, I would propose to fix a date for signature here in due course.

I have, &amp;c.,

E. GREY.

Monsieur Carlin,

&amp;c., &amp;c.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the Swiss Confederation, being desirous of making special provision with regard to the application of the Treaty of Friendship, Commerce and Reciprocal Establishment between Great Britain and Switzerland of 6th September, 1855, to certain parts of His Britannic Majesty's Dominions, have named as their Plenipotentiaries for this purpose:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and

The Federal Council of the Swiss Confederation:

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:—

Whereas the commercial relations of the British Empire and the Swiss Confederation are at present regulated by the Treaty of the 6th September, 1855, and whereas it is desirable to make further provision with regard to the application to certain parts of His Britannic Majesty's Dominions, viz.: the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland, of certain stipulations of the said Treaty relating to the treatment of goods the growth, produce or manufacture of the territories of the one High Contracting Party in the territories of the other;

The High Contracting Parties hereby agree that either of them shall have the right at any time to terminate Articles IX. and X. of the said Treaty with respect to any or all of the above-mentioned Dominions on giving twelve months' notice to that effect.

It is further agreed that should the said Articles of the said Treaty cease, in pursuance of the present Convention, to be applicable to the Commonwealth of Australia, they shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the High Contracting Parties.

The present Convention shall be ratified, and the ratifications shall be exchanged at as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have affixed thereto their seals.

Done at

\* English version only printed.



146

No. 139.

## THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada.)  
(Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)  
(Confidential.)

[SIR,]

[MY LORD,]

Downing Street, 20th January, 1914.

WITH reference to

[Your Royal Highness's Confidential despatch of the 12th November last,\*]

[my despatch Confidential (2) of the 28th November last,†]

[Your Excellency's telegram of the 1st September last,‡]

[Your Excellency's Confidential despatch of the 9th July last,§]

[your Confidential despatch of the 15th June last,||]

I have the honour to transmit to [you] [Your Excellency] for the information of your Ministers, copy of a letter¶ from the Foreign Office, with a copy of a note to the Swiss Minister, submitting a draft Convention securing to His Majesty's Government and the Swiss Government the right to terminate Articles IX. and X. of the Anglo-Swiss Commercial Treaty of 1855, with respect to any or all of the self-governing Dominions.

[To Australia only: and further agreeing that should those Articles cease, in pursuance of this Convention, to be applicable to the Commonwealth of Australia they shall also cease to be applicable to Papua and Norfolk Island, if so desired by either of the High Contracting parties.]

I have, &amp;c.,

L. HARCOURT.

5555

No. 140.

## FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14th February, 1914.)

[Answered by No. 141.]

SIR,

Foreign Office, 13th February, 1914.

WITH reference to my letter of the 2nd ultimo,¶ I am directed by Secretary Sir E. Grey to transmit to you, to be laid before Mr. Secretary Harcourt, a copy of a note from the Swiss Chargé d'Affaires stating that, subject to certain minor amendments, the Swiss Government agree to the draft Convention modifying the Anglo-Swiss Commercial Treaty of 1855.

Sir Edward Grey would be glad to learn whether Mr. Harcourt concurs in the proposed amendments.

I am, &amp;c.,

A. LAW.

Enclosure in No. 140.

Swiss Legation, Londres, le 4 février, 1914.

MONSIEUR LE SECRÉTAIRE D'ÉTAT :—

JE m'étais empressé de communiquer à mon Gouvernement le contenu de la note que Votre Excellence avait bien voulu m'adresser en date du 31 décembre dernier, relativement à la signature d'une Convention additionnelle au Traité d'amitié, de commerce, et d'établissement réciproque conclu entre la Confédération Suisse et la Grande-Bretagne le 6 septembre 1855.

\* No. 471 in Dominions No. 45. † No. 472 in Dominions No. 45. ‡ No. 450 in Dominions No. 45.  
§ No. 439 in Dominions No. 45. || No. 422 in Dominions No. 45. ¶ No. 138.

Selon les instructions que je viens de recevoir de Berne, j'ai l'honneur de vous faire connaître que le Conseil Fédéral donne son assentiment au projet qui accompagnait la susdite note de Votre Excellence, sauf quelques petites modifications de rédaction, de forme seulement.

Le texte français de l'exemplaire de la Convention destiné à mon Gouvernement devrait être exactement de la teneur consignée dans l'annexe de la présente.

J'ajoute que Monsieur Carlin est déjà muni des pleins pouvoirs l'autorisant à signer ce projet de Convention. Peut-être le "Foreign Office" pourrait-il en faire préparer dès à présent les expéditions, afin que celles-ci puissent être signées, à Votre convenance, à Londres, dès le retour de Monsieur Carlin dans cette ville, vers la fin du mois courant.

Il est entendu que l'échange des instruments de ratification aurait lieu à Londres également.

Veuillez agréer, &amp;c.,

C. R. PARAVICINI.

A Son Excellence

Sir Edward Grey, Bart., K.G., M.P., &amp;c.

Projet.

CONVENTION ADDITIONNELLE  
du . . . . . 1914

au Traité d'amitié, de commerce, et d'établissement réciproque, conclu entre la Confédération Suisse et la Grande-Bretagne le 6 septembre, 1855.

LE Conseil Fédéral de la Confédération Suisse et Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au-delà des Mers, Empereur des Indes, désirant établir de nouvelles clauses touchant l'application à certaines Colonies (Dominions) de Sa Majesté Britannique du Traité d'amitié, de commerce, et d'établissement réciproque conclu entre la Suisse et la Grande-Bretagne le 6 septembre 1855, ont nommé pour leurs Plénipotentiaires à cet effet, savoir :

le Conseil Fédéral de la Confédération Suisse :

Monsieur G. Carlin, Envoyé Extraordinaire et Ministre Plénipotentiaire de Suisse à Londres : et

Sa Majesté le Roi de Grande-Bretagne et d'Irlande et des Territoires Britanniques au-delà des Mers, Empereur des Indes :

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus de ce qui suit :

Considérant que les relations commerciales entre la Confédération Suisse et l'Empire Britannique sont actuellement réglées par le Traité du 6 septembre 1855 et considérant qu'il est désirable de faire des arrangements ultérieurs touchant l'application, à certaines parties des Possessions de Sa Majesté Britannique, à savoir le Dominion du Canada, la Fédération Australienne, le Dominion de la Nouvelle Zélande, l'Union Sud-Africaine, et Terre-Neuve, de certaines stipulations dudit Traité, lesquelles se réfèrent au traitement de marchandises de provenance, de production ou de manufacture des territoires de l'une des Hautes Parties contractantes dans les territoires de l'autre.

Il est convenu par les présentes que chacune des Hautes Parties contractantes aura le droit, en tout temps et moyennant dénonciation préalable à douze mois d'échéance, de faire cesser les effets des Articles IX. et X. dudit Traité, soit en ce qui concerne la totalité des Possessions susmentionnées, soit pour chacune d'elles isolément.

Il est convenu, en outre, qu'en cas où, conformément aux dispositions de la présente Convention, lesdits articles du Traité dont il s'agit cesseraient d'être applicables à la Fédération Australienne, ils cesseraient également de l'être à la Papouasie et à l'île de Norfolk, si l'une ou l'autre des Hautes Parties contractantes devait désirer qu'il en fût ainsi.

La présente Convention sera ratifiée et les ratifications seront échangées à Londres, aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signé le présente Convention en double exemplaire et y ont apposé leurs cachets.

Fait à Londres, le

1914.



5555

No. 141.

## COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 19th February, 1914.  
 WITH reference to your letter of the 13th instant,\* I am directed by Mr. Secretary Harcourt to request you to inform Secretary Sir Edward Grey that he concurs in the draft Convention modifying the Anglo-Swiss Commercial Treaty of 1855 being amended as desired by the Swiss Government.

I am, &c.,  
 HENRY LAMBERT.

11960

No. 142.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 268.)  
 (Australia. No. 217.)  
 (New Zealand. No. 157.)  
 (Union of South Africa. No. 167.)  
 (Newfoundland. No. 123.)

[SIR,]  
 [MY LORD,]  
 Downing Street, 13th April, 1914.  
 WITH reference to previous correspondence, I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a copy of a Convention,† signed at London on the 30th March, 1914, additional to the Anglo-Swiss Commercial Treaty of the 6th September, 1855.  
 2. Steps will be taken in due course for the preparation of the King's ratification of this Convention.

I have, &c.,  
 L. HARCOURT.

Correspondence in connexion with Industrial Property Conventions.  
(a) Japan.

170

No. 143.

## FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3rd January, 1914.)

[Copy to Board of Trade, 9th January, 1914. L.F.]

SIR, Foreign Office, 2nd January, 1914.  
 I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter No. 42573/1913, of the 24th ultimo,‡ enclosing a draft of a despatch§ to the Government of Canada, explaining the position with regard to the exclusion of all matters relating to trade-marks, &c., from the scope of the Anglo-Japanese Treaty of April 3rd, 1911.

Sir E. Grey concurs in the terms of the above-mentioned draft.

I am, &c.,  
 W. LANGLEY.

\* No. 140. † Not reprinted. ‡ No. 491 in Dominions No. 45. § See No. 144.

42573

No. 144.

CANADA.

## THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 20.)

SIR, Downing Street, 9th January, 1914.  
 IN my despatch No. 186 of the 8th March last,\* I informed Your Royal Highness's Government that His Majesty's Government adhered to the view adopted by their predecessors in 1899, that under the Industrial Property Convention of 1883, and under the Treaty of Commerce with Japan of 16th July, 1894, all British subjects, in whatever part of the British territories they might be resident or domiciled, were alike entitled to the full measure of protection for patents, trade-marks, and industrial property generally secured to British subjects as such by those instruments, irrespective of the question whether those instruments had or had not been made applicable to the whole of the British territories, and that the Japanese Government had in practice conceded the principle that any person who enjoyed the full status of British subjects, that is, including all His Majesty's subjects throughout the Empire, are entitled to the benefits conferred on British subjects generally by the Treaty of the 3rd April, 1911, and by the Convention for the Protection of Industrial Property.

2. His Majesty's Government have, however, now learned from a correspondence which has taken place between His Majesty's Representative at Japan and the Director of the Commercial Bureau of the Foreign Office at Tokio that the attitude of the Japanese Government is based on the provisions of the International Convention for the Protection of Industrial Property, and that the Japanese Government hold the view that the general terms of Article 24 of the Treaty of 1911, under which general "most-favoured-nation" treatment is conferred on British subjects, are not applicable to matters dealt with in the Industrial Property Convention. His Majesty's Government have given their careful consideration to the views of the Japanese Government, and they are inclined to think that the contention of that Government, though not in accord with the *prima facie* meaning of Article 24 of the Treaty of 1911, receives some support from the records of the negotiations of the Treaty. In the Japanese draft of the Treaty no Article was inserted relating to trade-marks, but in the British counter-draft the following Article was inserted:—

"The subjects of each of the High Contracting Parties shall have the same rights as native subjects in regard to patents for inventions, trade-marks, trade names, hong marks and designs (and generally as regards protection from dishonest competition) upon the fulfilment of such formalities as are prescribed by law." The words in brackets were added subsequently.

3. The Japanese Ambassador, by whom the Treaty was negotiated, stated that his Government were very much opposed to this provision of the British counter-draft, and it was finally agreed that it might be omitted, subject to the Japanese Ambassador consenting to put on formal record the agreement of his Government that "in case either Government wishes to go out of the Industrial Property Convention it will be prepared to negotiate with the other a separate agreement for the mutual protection of industrial property." The actual text of the declarations exchanged on the matter will be found on page 10 of the copy of the Treaty [Cd. 5556] enclosed in my despatch No. 243 of the 7th April, 1911.†

4. In view of these considerations, and having regard to the fact that in practice the interests of Canadian British subjects are secured by the interpretation placed by both His Majesty's Government and the Japanese Government on the Industrial Property Convention of 1911, His Majesty's Government do not propose to press the question of the interpretation of Article 24 of the Treaty of 1911.

I have, &c.,  
 L. HARCOURT.

\* No. 377 in Dominions No. 45. † 11363: not printed.



9122

No. 145.

## FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12th March, 1914.)

[Answered by No. 147.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of correspondence with His Majesty's Ambassador at Tokio, and the Board of Trade, respecting trade mark rights in Japan of Colonial British subjects and companies.

Reference to previous correspondence: Letter from Foreign Office: 2nd January, 1914.\*

Foreign Office, 11th March, 1914.

Enclosure 1 in No. 145.

SIR EDWARD GREY to SIR C. GREENE.

(No. 164.)

SIR,

Foreign Office, 9th December, 1913.

I HAVE received your despatch No. 251, of the 18th September last, enclosing correspondence between Mr. Crowe and Mr. Sakata respecting the question of the rights of Colonial British subjects to enjoy privileges conferred by a treaty to which their Colony has not adhered.

In my opinion, and in that of the Board of Trade, a copy of whose letter† is enclosed herewith, it seems undesirable and unnecessary to press the claim advanced by Mr. Crowe, in view of the fact that under the new arrangement with the Japanese Government Colonial British subjects will be able to obtain the registration of their trade marks on producing a certificate stating that they have the "full and perfect status of British subjects."

I transmit herewith a copy of a letter† from the British American Tobacco Company, whose application, based on the fact that Hong Kong has recently adhered to the 1911 treaty, has been refused by the Japanese authorities. I shall be glad if Your Excellency will endeavour to settle the matter on the lines of the new arrangement.

I should also be glad to learn whether the Japanese authorities have yet replied to the inquiry addressed to them by Mr. Crowe on the 9th April last, as to whether British companies registered in parts of the British Empire would have the same rights as British subjects. A copy of Mr. Crowe's note to Mr. Sakata on this point was enclosed in Your Excellency's despatch No. 178 of the 26th June last.

I am, &c.,

E. GREY.

Enclosure 2 in No. 145.

(No. 9.)

SIR,

Tokyo, 10th January, 1914.

WITH reference to your despatch No. 164, of the 9th December last, on the subject of the rights of Colonial British subjects to enjoy protection of trade marks and patents in Japan, I have the honour to report that the Commercial Attaché has at last succeeded in obtaining a reply from Mr. Sakata, the Director of the Commercial Bureau in the Foreign Office, on the point concerning the rights of Colonial British companies.

A copy of Mr. Sakata's reply is enclosed herewith, from which you will see that he does not consider that companies established *only* in parts of the British Empire which have not adhered to the Industrial Property Convention have the same rights as companies belonging to the United Kingdom or to parts of the Empire which have adhered to the Convention.

\* No. 143. † Not received in Colonial Office.

In addition to the letter from the British American Tobacco Company, copy of which you enclosed in your despatch of 9th December, which shows that the Patent Bureau had, for the time being, refused to recognize the rights of a British Company registered in Hong Kong, I learn from a British patent agent, Mr. Brindley, that an application of his for registration of a trade mark, made on behalf of the H. H. Dalley Company of Canada, was rejected on the ground that, although applications lodged in the name of Canadian individuals enjoy the same treatment as those produced by British subjects, the same does not hold good of applications lodged in the name of companies organized under the Canadian laws.

Under the circumstances, therefore, it does not appear that it will be possible to secure the right of registration for British companies organized under the laws of a Colony which has not adhered to the Industrial Property Convention, unless it can be shown that, in the opinion of His Majesty's Government, all kinds of British companies stand in this respect on equal footing, as in the case of individual British subjects.

I have, &c.,

CONYNGHAM GREENE.

The Right Honourable

Sir Edward Grey, Bart., K.G.,

&c., &c., &c.

Translation.

SIR,

8th January, 1914.

WITH reference to the question contained in the second paragraph of your note of the 9th April last, the answer to which was withheld in my reply of the 24th June last, I have the honour to inform you that the point has now been investigated.

It is not quite clear what companies you refer to in your letter under the designation "British companies," but if one is to assume that the expression "companies established, according to the laws of the place concerned, in British Colonies, Dominions, Dependencies, and Protectorates which have not adhered to the Convention for the Protection of Industrial Property," means companies established *only* in such Colonies, Dominions, Dependencies, and Protectorates, then it seems impossible to contend that the protection of the Convention must be accorded to them in the same way as it is to companies belonging to the United Kingdom or to Colonies, Dominions, Dependencies, and Protectorates which have adhered to the said Convention. It would appear, in fact, that the question whether or no the companies in question can enjoy in Japan any rights in respect of trade marks must be decided in accordance with the application of Article 22 of the Imperial Trade Mark Law.

I have, &c.,

SAKATA JUJIRO,

Director, Commercial Bureau, Foreign Office.

E. F. Crowe, Esq.,

His Britannic Majesty's

Commercial Attaché.

ARTICLE 22 OF JAPANESE TRADE MARK LAW OF 2ND APRIL, 1909.

AN alien who has no domicile or no place of business within the Empire cannot enjoy a trade mark right or a right relating thereto, unless there is a provision to that effect in a treaty or a similar convention.

If there are in a treaty or a similar convention special provisions with regard to trade marks, such provisions shall govern.

Enclosure 3 in No. 145.

SIR,

Foreign Office, 10th March, 1914.

WITH reference to your letter of 6th November last, I am directed by Secretary Sir E. Grey to transmit herewith, to be laid before the Board of Trade, copies of correspondence with His Majesty's Ambassador at Tokyo respecting the Anglo-Japanese Commercial Treaty of 1911, and its bearing on questions relating to trade marks, etc.



It will be seen that Sir C. Greene states that the Japanese authorities have rejected an application, made on behalf of a Canadian company for the registration of their trade mark, on the ground that, although applications lodged in the name of Canadian individuals enjoy the same treatment as those produced by British subjects, the same does not hold good of applications lodged in the name of companies organized under the Canadian laws.

In these circumstances Sir E. Grey would suggest, for the consideration of the Board of Trade, that the difficulty might be avoided by registering in the name of an individual of the company instead of in the name of the company itself. If the Board agrees he will propose this course to the H. H. Dalley Company and the British American Tobacco Company.

I am to add that, in view of the special arrangement which has been come to with Japan in regard to the registration of trade marks by Colonial British subjects, this letter should not be taken as affecting the letter from this Office of 27th February, respecting the refusal of the authorities in Denmark and Sweden to register a Canadian trade mark.

I am, &c.,  
W. LANGLEY.

The Secretary  
to the Board of Trade.

9123

No. 146.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 12th March, 1914.)

[Answered by No. 147.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Ambassador at Tokio, No. 45, dated 19th February, 1914, respecting the registration in Japan of Anglo-Indian Drug and Chemical Company's trade marks.

Reference to previous correspondence: Letter from Foreign Office, 2nd January, 1914.\*

Foreign Office,  
11th March, 1914.

(Similar letter sent to India Office and Board of Trade.)

Enclosure in No. 146.

(No. 45.)

SIR, British Embassy, Tokyo, 19th February, 1914.  
WITH reference to your despatch, No. 178, of the 30th December last, and previous correspondence, on the subject of the registration in Japan of the trade marks of the Anglo-Indian Drug and Chemical Company, I have the honour to report that the application for the registration of the mark "Kaminia," which was the origin of all the trouble, has at last been granted by the Patent Bureau, but, strange to say, after having in the first instance demanded various certificates of nationality, &c., the Patent Bureau finally granted the application without the special documents being produced. We shall, therefore, in similar cases in future, be able to quote this precedent, and the necessity of the production of special certificates will, I presume, be obviated.

I have, &c.,  
CONYNHAM GREENE.

The Right Honourable  
Sir Edward Grey, Bart., K.G., M.P., &c.

\* No. 143.

9123

No. 147.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 148.]

SIR, Downing Street, 19th March, 1914.  
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letters of the 11th of March,\* on the subject of the registration of trade marks in Japan.

2. Before offering any observations on the questions dealt with in these letters Mr. Harcourt would be glad to receive a copy of the letter from the Foreign Office to the Board of Trade of the 27th February, respecting the refusal of the authorities in Denmark and Sweden to register a Canadian trade mark, to which reference is made in the last paragraph in the letter from the Foreign Office to the Board of Trade of the 10th of March.†

I am, &c.,  
HENRY LAMBERT.

11128

No. 148.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th March, 1914.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a letter to the Board of Trade, dated 27th February, 1914, respecting the registration of trade marks in Japan.

Reference to previous correspondence: Letter to Foreign Office, 19th March, 1914 (9123).‡

Foreign Office,  
25th March, 1914.

Enclosure in No. 148.

SIR, Foreign Office, 27th February, 1914.  
I AM directed by Secretary Sir E. Grey to state that a letter has been received from the Colonial Office, dated the 3rd ultimo, enclosing copies of correspondence with the Board of Trade and Messrs. Evans-Jackson and Company regarding the refusal of the authorities in Denmark and Sweden to register a Canadian trade mark. Sir E. Grey understands that a copy of this letter has been sent direct to the Board of Trade.

The points raised by the Colonial Office may be summarized as follows:—

- (1) Have British subjects, belonging to an overseas dominion of the British Crown not a party to the Industrial Property Conventions, the right to claim the privileges accorded in those Conventions to British subjects *eo nomine*?
- (2) Can this interpretation be stretched so as to cover companies as well as individuals?
- (3) Can "most favoured nation" or national treatment in the registration of trade marks be claimed in virtue of an ordinary commercial treaty granting such treatment in commerce and industry generally, in the case where no specific mention of trade marks is made in the treaty?
- (4) Does the Anglo-Danish Trade Marks Agreement of 1879 cover Colonial British subjects?

As regards the first point, I am to observe that a discussion on the subject has recently been proceeding with the Japanese Government, who declined, in the first instance, to register trade marks on behalf of natives of India, on the ground, presumably, that India was not a party to the Industrial Property Convention of 1911.

\* Nos. 145 and 146.

† Enclosure 3 in No. 145.

‡ No. 147.



They have, however, now agreed to grant the benefits of this Convention to all British subjects, whether resident in an adhering dominion or not, provided that the applicant can by certain prescribed methods prove that he enjoys the full and perfect status of a British subject. Taking this precedent into account, and in consideration of the opinion expressed by this Department on the 13th of October, 1899, to which reference is made in the Colonial Office letter, Sir E. Grey is prepared to urge on the Danish and Swedish Governments, that all British subjects, whether resident in Canada or not, are entitled, as such, to enjoy the benefits of the Industrial Property Convention of 1883. The fact, however, should not be lost sight of that the Swedish and Danish Governments may, unlike the Japanese Government, decline to accept this interpretation of the Convention, in which case the attitude of His Majesty's Government will have to be further considered.

As regards the second point, Sir E. Grey proposes, subject to the concurrence of the Board of Trade, to accept the view of the Secretary of State for the Colonies that the terms of the Convention of 1883 cannot be held to be wide enough to cover the case of a trade mark owned by a company incorporated in a non-adhering Colony.

As regards the third point, I am to call attention to the fact that in the course of the recent discussion with the Japanese Government this question was also raised and was referred to the Board of Trade in the letter from this Department of the 12th of October last. Sir E. Grey is of opinion that, as a general rule, if there is no specific reference to trade marks in a commercial treaty, no rights with respect to the registration of trade marks can be claimed in virtue of it.

From your letters of the 19th of December, 1911, and of the 6th of November, 1913, respecting the registration of trade marks in Japan, it is understood that this view is shared by the Board of Trade. In the present case, it receives still further support from the fact that the Anglo-Danish and Anglo-Swedish Treaties to which the Colonial Office refer were concluded at a time when the registration of trade marks was not contemplated by any of the contracting Governments. Sir E. Grey proposes, if the Board of Trade see no objection, to urge this view on the Colonial Office.

As regards point four, it is observed that the Board of Trade doubt whether the Anglo-Danish Agreement of 1879 can, in view of its preamble, be held to cover Colonial British subjects. While fully appreciating this point of view, Sir E. Grey considers that if His Majesty's Government are to insist that the term "British subject," when used in a treaty, includes all Colonial British subjects, it would be preferable to maintain this view equally in the case of this Anglo-Danish Agreement. To allow that the preamble, in this case, can have the effect of altering the meaning of the term "British subject" would tend, it is felt, to weaken the case of His Majesty's Government on the general question.

Sir E. Grey proposes, subject to any observations which the Board of Trade may desire to offer, to address a letter to the Colonial Office in the above sense.

I am, &c.,

A. LAW.

The Secretary  
to the Board of Trade.

16704

No. 149.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7th May, 1914.)

[Answered by No. 150.]

SIR,

Foreign Office, 6th May, 1914.

WITH reference to the letter from this Department of 11th March last,\* I am directed by Secretary Sir E. Grey to transmit herewith, to be laid before Mr. Secretary Harcourt, copies of correspondence with the Board of Trade on the subject of the registration in Japan of the trade marks and patents of Colonial British companies.

\* No. 145.

Sir E. Grey proposes, subject to the concurrence of Mr. Harcourt, to address the enclosed draft despatch to His Majesty's Ambassador at Tokyo.

I am, &c.,

W. LANGLEY.

Enclosure 1 in No. 149.

Board of Trade (Commercial Department), Gwydyr House,

Whitehall, S.W., 27th March, 1914.

SIR,

WITH reference to your letter of the 10th March and its enclosures, regarding the question of the registration in Japan of the trade marks of certain Colonial companies, I am directed by the Board of Trade to state that they doubt the expediency of suggesting to the companies concerned that their trade marks should be registered in the names of individual members of the companies.

On general grounds they consider it to be objectionable that anyone but the real owner of a trade mark should be registered in any country in respect of that trade mark; and they are of opinion that His Majesty's Government should avoid lending countenance to the idea that a particular trade mark could legitimately be the property of an individual in Japan and of a company or of another person elsewhere.

Moreover, they are disposed to think that the proposal might give rise to serious legal difficulties in Japan, for reasons which are set out in the accompanying copy of a minute of the Comptroller-General of Patents, Designs, and Trade Marks.

I have, &c.,

GEO. J. STANLEY.

The Under-Secretary of State,  
Foreign Office.

I do not think the suggestion of the Foreign Office is a possible one for meeting the difficulty. I think it clear that the Japanese Trade Marks Act, like our own, only recognizes the registration of a trade mark as valid if the applicant has some goodwill in the goods in respect of which registration is sought. This, I think, follows from the provisions of their Act. For example, Article 8 enacts that trade mark rights may only be transferred together with the *business* therein. This clearly implies that a man must have some business or goodwill in the goods which can be transferred. The words, therefore, of Article 1, which allows a trade mark to a man in respect of goods with which he "deals" or "offers for sale," must be taken to be limited to goods in respect of which there is an actual goodwill capable of transference. It would not include the case of a manager or servant of a company. In such cases the goodwill does not belong to the manager or servant but to the company or firm. Apparently the only case in which it would be possible for the company's trade mark to be registered by another person in Japan with their *concurrence* would be the case of an independent agent dealing with their goods. In such a case, he would probably be held to have a goodwill in his own business even though it were a business exclusively confined to the company's goods. Such cases of registration are not unknown, but they almost invariably raise difficulties between the real owners of the trade mark and the independent agent; if the contract between them come to an end, the agent remains the sole registered owner of the mark, and can exclude the company's goods in which he has been dealing.

W. TEMPLE FRANKS.

20th March, 1914.

Enclosure 2 in No. 149.

SIR,

Foreign Office, 21st April, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 27th ultimo, pointing out the difficulties which might arise should any attempt be made to obtain the registration in Japan of the trade marks of companies registered in British Colonies which have not adhered to the International Convention for the Protection of Industrial Property, by registering such marks in the names of individual members of the companies.



In these circumstances Sir E. Grey considers that any further attempt to secure the registration of the trade marks of companies of this character would be useless, and he would consequently propose to instruct His Majesty's Ambassador at Tokyo in this sense, unless the Board have any alternative suggestion to offer.

I am, &c.,  
W. LANGLEY.

The Secretary  
to the Board of Trade.

Enclosure 3 in No. 149.

Board of Trade (Commercial Department), Gwydyr House, Whitehall,  
London, S.W., 28th April, 1914.

SIR, I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 21st April, regarding the question of the registration in Japan of the trade marks of certain Colonial companies.

The Board concur in Sir E. Grey's proposal to instruct His Majesty's Ambassador at Tokyo that any further attempt to secure the registration in Japan of the trade marks of such companies would be useless.

I have, &c.,  
GEO. J. STANLEY.

The Under-Secretary of State,  
Foreign Office.

Enclosure 4 in No. 149.

DRAFT DESPATCH TO SIR C. GREENE, TOKIO.

(No. .) Foreign Office, May, 1914.

SIR, I HAVE been in communication with the Board of Trade and the Secretary of State for the Colonies on the subject of Your Excellency's despatch No. 9 of 10th January last, concerning the rights of Colonial British companies to enjoy protection of trade marks and patents in Japan.

In the circumstances, I concur in Your Excellency's opinion that any further attempt to secure the registration of the trade marks of companies of this character would serve no useful purpose.

I have, &c.,

16704

No. 150.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 20th May, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 6th instant,\* forwarding copies of correspondence with the Board of Trade, relative to the question of the registration in Japan of the trade-marks of companies registered in British Colonies, &c.

2. Mr. Harcourt concurs in the terms of the despatch which it is proposed to address to His Majesty's Ambassador at Tokio on the subject, and will explain the position to the Canadian Government when informing them, in due course, of the views of His Majesty's Government in regard to the recent refusal of the authorities in Denmark and Sweden to register a Canadian trade-mark.

I am, &c.,  
HENRY LAMBERT.

\* No. 149.

16704

No. 151.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 152.]

SIR, Downing Street, 11th June, 1914.

WITH reference to your letter of the 6th ultimo,\* and to the reply from this Department of the 20th ultimo,† I am directed by Mr. Secretary Harcourt to transmit to you the draft of a despatch‡ which, if Secretary Sir E. Grey concurs in its terms, it is proposed to address to the Governor-General of Canada on the subject of the view of the Japanese Government that the benefits conferred by the Industrial Property Convention of 1911 do not extend to companies incorporated in parts of the British Empire to which that Convention does not apply.

2. It is proposed that the despatch should be sent to the Governor-General simultaneously with the despatch§ on the question of the treaty position of Canadian trade marks in Denmark and Sweden, of which a draft is submitted for Sir E. Grey's approval in the letter from this Department of even date.||

I am, &c.,  
HENRY LAMBERT.

Enclosure in No. 151.

(Draft.)  
(Confidential. No. 1.)

SIR, Downing Street, WITH reference to my despatches, No. 186 of the 8th March, 1913, and No. 20, of the 9th January, 1914,† I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, copy of a letter\*\* addressed by the Director of the Commercial Bureau of the Japanese Foreign Office to the British Commercial Attaché at Tokio, from which it will be observed that the Japanese Government hold that companies incorporated in parts of the British Empire in which the Industrial Property Convention, 1911, is not in force are not entitled to the protection conferred by that Convention.

2. After careful consideration, His Majesty's Government have come to the conclusion that it is not possible to contest the view held by the Japanese Government.

3. I am addressing you in my Confidential despatch No. (2)§ of even date on a similar question which has arisen in Denmark and Sweden.

I have, &c.,

23078

No. 152.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th June, 1914.)

SIR, Foreign Office, 25th June, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 11th instant,†† enclosing a copy of a despatch, relative to the rights of British Colonial companies to registration of their trade marks in Japan under the Industrial Property Convention, which the Secretary of State for the Colonies proposes to address to the Governor-General of Canada.

Sir E. Grey concurs in the terms of this despatch.

I am, &c.,  
W. LANGLEY.

\* No. 149. † No. 150. ‡ SECRETARIAT NOTE: This despatch was not sent before the end of 1914, no reply to No. 158 having been received. § Enclosure in No. 158. || No. 158.

¶ Nos. 377 in Dominions No. 45 and No. 144. \*\* See enclosure 2 in No. 145. †† No. 151.



## (b) Denmark and Sweden.

44035

No. 153.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade, 6th January, 1914. L.F.]

[Answered by No. 157.]

SIR,

Downing Street, 3rd January, 1914.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, the accompanying copy of correspondence\* with the Board of Trade and Messrs. Evans-Jackson and Company, regarding the refusal of the authorities in Denmark and Sweden to register a Canadian trade-mark.

2. Of the treaty stipulations bearing on the matter it will be convenient to consider first those of the International Conventions for the Protection of Industrial Property. So far as Mr. Harcourt is aware, the International Convention of 1911 has not yet been ratified by Denmark and Sweden. Both countries are, however, parties to the International Convention of 1883. That Convention is not in force in Canada. The applications which have been refused were in each case based on prior registration in Canada. The Law Officers of the Crown advised the Secretary of State for Foreign Affairs on the 13th October, 1899,† that Articles III., IV., and VI. of the International Convention of 1883 did not apply to non-adhering Colonies. It would, therefore, appear that no exception can be taken to the refusal of the applications as being inconsistent with the Convention of 1883, but the Law Officers at the same time advised that Article II. of that Convention conferred upon the subjects of each contracting State national rights with regard to trade-marks, and that all British subjects, even if connected with a non-adhering Colony, were entitled to those rights. It would appear, therefore, that had an application been put forward in the name of a British subject as the owner of the trade-mark for the protection guaranteed by Article 2 of the Convention of 1883, it would not have been open to the authorities in Denmark or Sweden to refuse the application.

3. Both applications were made on behalf of a company incorporated in Canada, and the question arises whether the terms of Article 2 of the Convention of 1883 are applicable to the case of a company. As Sir Edward Grey is aware the Convention of 1911 provides by Article 6 *bis* for the protection of trade-marks belonging to associations, and, in view of the fact that this special provision was inserted, it would appear to be open to serious doubt whether the terms of the Convention of 1883 can be held to be wide enough to cover the case of a trade-mark owned by a company.

4. As regards the other treaty stipulations bearing on the matter, Mr. Harcourt does not share the doubt as to the applicability of the Anglo-Danish Declaration of the 28th November, 1879, to Canada expressed in the letter from the Board of Trade of the 8th of December.‡ As regards the general most-favoured-nation provisions to which attention is called in that letter I am to refer to the letter from this Office of the 5th of November,§ and to state that, in Mr. Harcourt's opinion, the terms of Articles 13 and 24 of the Treaty of 1660-61 with Denmark, and Article 40 of the Treaty of 1670, and Article 2 of the Treaty of 1776, with Sweden, are sufficiently wide to cover trade-marks, and that Canadian British subjects are entitled, in virtue of these provisions, to whatever rights are conferred on foreign subjects of the most-favoured-nation.

5. The position of companies, as distinguished from subjects, under the stipulations mentioned in the foregoing paragraph would not, however, appear to be less doubtful than it is under Article 2 of the Convention of 1883.

6. The matter being now under the consideration of the Canadian Government, Mr. Harcourt proposes to inform Messrs. Evans-Jackson and Company that His Majesty's Government are in communication with the Canadian Government

\* Nos. 478, 487 and 490 in Dominions No. 45.

† No. 232a in Vol. V. of Law Officers' Opinions.

‡ No. 478 in Dominions No. 45.

§ No. 468 in Dominions No. 45.

on the subject, and to explain the position to the Canadian Government in the sense of this letter, and to suggest that if the previous decision of the Canadian Government not to adhere to the International Conventions cannot be reopened, it should be considered whether any useful purpose would be served if some individual British subject were to apply in each country for the grant of such protection to the trade-mark in question as the law of each country extends to trade-marks the property of nationals.

7. A copy of this letter is being sent to the Board of Trade.

I am, &amp;c.,

H. W. JUST.

11128

No. 154.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 155.]

SIR,

Downing Street, 7th May, 1914.

WITH reference to your letter of the 25th March,\* I am directed by Mr. Secretary Harcourt to inquire whether the Board of Trade have yet replied to the letter which Secretary Sir E. Grey addressed to them on the 27th February, in regard to the questions arising out of the recent refusal of the authorities in Denmark and Sweden to register a Canadian trade mark.

I am, &amp;c.,

HENRY LAMBERT.

17585

No. 155.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14th May, 1914.)

[Answered by No. 156.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of correspondence with the Board of Trade respecting the refusal of Danish and Swedish authorities to register a Canadian trade mark.

Reference to previous correspondence: Letter to Foreign Office, 7th May, (11128/1914).†

Foreign Office, 13th May, 1914.

Enclosure 1 in No. 155.

Board of Trade (Commercial Department), Gwydyr House,

SIR,

Whitehall, London, S.W., 8th April, 1914.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 27th February (No. 574) relative to the refusal of the Danish and Swedish authorities to register a Canadian trade mark, and to offer, for Sir E. Grey's consideration, the following observations on the four points raised by the Colonial Office in their letter of the 3rd January, which are summarized in your letter under reference.

So far as regards the points numbered (1) and (4), the Board concur in the views expressed in your letter.

As regards point (2), the Board are disposed to think that provisions in a given treaty applicable to British subjects do not necessarily apply to Colonial companies if the Colonies concerned are not parties to the treaty. The opinion

\* No. 148.

† No. 154.



of the Law Officers which is referred to in the second paragraph of the letter from the Colonial Office of the 3rd January would appear to have been based primarily on the difficulty of distinguishing between the status of a British subject in one part of the Empire and a British subject in another. On the other hand a distinction can clearly be drawn between a company which is registered in a Colony, and is thus a creation of the Colonial Government, and a company registered in the United Kingdom.

Whilst, however, the Board agree with the conclusions of the Colonial Office on this matter, they think that the arguments on which those conclusions are based involve some misapprehension as to the real purport of Article VII. *bis* (not Article VI. *bis*, as stated in their letter) of the Industrial Property Convention, as revised at Washington in 1911. It is true that this Article for the first time provides for the accord of trade marks to associations, a provision absent from the original Convention of 1883, to which (and not the revised Convention) Sweden and Denmark are at present parties. The purport of Article VII. *bis*, however, as Sir E. Grey is aware, is not to extend to ordinary trading companies for the first time the right to register trade marks, a right which, so far as the Board are aware, they have in fact always enjoyed without question in the countries which are parties to the Convention, but to allow associations of persons to register a trade mark for the use of their members in cases in which the association itself does not (like an ordinary trading company) possess an industrial establishment.

As regards point (3), the Board regret that their views, as expressed in the letters from this Department which are referred to in the last paragraph but two of your letter, have given rise to some misapprehension. The opinion therein expressed had reference solely to the particular case of Japan, and was without prejudice to the general question of principle. The Board considered that it was undesirable, having regard to the action taken when the Anglo-Japanese Treaty was under negotiation, to put forward in *that particular case* a claim that most-favoured-nation rights in regard to trade marks were secured by the treaty.

It is true that in many treaties a special article has been introduced dealing with trade marks, but the object of that article has been in most cases to secure to the subjects of the contracting parties *national* rights in this respect. While, therefore, in the absence of such a special article British subjects cannot, of course, claim national rights in the matter of trade marks, the Board think it undesirable that His Majesty's Government should adopt the view that British subjects have not, generally speaking, an arguable claim under a most-favoured-nation clause to the rights of the most-favoured-nation in regard to trade marks. The Board fear that it may be inconvenient in the future to allow it to be implied or understood that the absence of specific reference to trade marks in a treaty to which this country is a party necessarily debars British subjects from advancing such a claim.

I have, &c.,  
GEO. J. STANLEY.

The Under-Secretary of State,  
Foreign Office.

Enclosure 2 in No. 155.

(Confidential.)

SIR, Foreign Office, 29th April, 1914.  
I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 8th instant, respecting the four questions raised in connexion with the refusal of the Danish and Swedish authorities to register a Canadian trade mark. I am to state, in reply, that Sir E. Grey concurs in the observations of the Board of Trade as regards the arguments advanced by the Colonial Office for holding that provisions in a given treaty applicable to British subjects do not necessarily apply to Colonial companies if the Colonies concerned are not parties to the treaty. These observations will be communicated to the Colonial Office when replying in detail to their letter of the 3rd January.

As regards the question whether, in virtue of most-favoured-nation treatment secured by an ordinary commercial treaty, His Majesty's Government can claim,

in the matter of trade marks, to enjoy rights secured to other countries by special trade mark conventions, I am to state that the matter has received careful consideration, and that, in spite of the arguments now advanced by the Board of Trade, Sir E. Grey feels compelled to maintain, in respect of the general question of principle, the view that if there is no specific reference to trade marks in a commercial treaty, no rights with respect to the registration of trade marks can be claimed in virtue of it. There would appear to be a very general consent among nations that such matters as trade marks, commercial travellers' samples, and recognition of joint stock companies do not fall within the scope of the usual comprehensive stipulations in regard to commerce and industry contained in treaties of commerce, but must be made the subject of special provisions in such a treaty, or preferably of an entirely separate agreement. A search in the archives of this Office has been unable to show any instance in which His Majesty's Government have claimed advantages in regard to the protection of trade marks under the ordinary most-favoured-nation treatment provided for in commercial treaties. The question was, indeed, raised when, in 1880, the Swiss Government passed a law respecting trade marks, and refused, in the absence of a special agreement, to extend to British trade marks the advantages in regard to the protection of trade marks secured to French, German, and Italian marks, in virtue of their Conventions with Switzerland on the subject. I am to state, for the confidential information of the Board of Trade, that the matter was referred to the Law Officers, who reported that it was open to contention that under Article X. of the Commercial Treaty between Great Britain and Switzerland of 1855, His Majesty's Government were entitled to claim all the advantages in regard to the protection of trade marks secured by the special treaties between Switzerland and other countries, but that, in their opinion, considerable difficulties might be raised if the question of trade marks was left to be dealt with solely under the most-favoured-nation clause in the Treaty of 1855, and that the safest and most desirable course would be to conclude a convention on the subject which might adequately protect British interests in Switzerland. A copy of the Law Officers' opinion\* and of the Anglo-Swiss Commercial Treaty of 1855, are enclosed herewith for convenience of reference.

In the present instance there is, it is true, no need to set forth, when writing to the Colonial Office, any definite line of policy as regards the general question of principle, but it is nevertheless desirable, in Sir E. Grey's opinion, that His Majesty's Government should, for the guidance of the Canadian Government, express a view as regards the particular case of the Commercial Treaties with Denmark of 1660 and 1670, and with Sweden of 1766. Quite apart from the general question of principle, Sir E. Grey holds that it would be difficult to maintain that these particular treaties cover the subject of trade marks, seeing that they were concluded at a time when such marks were not protected by any special form of legislation in any of the countries concerned. He will be glad therefore to learn whether the Board of Trade are prepared to accept this interpretation without prejudice to the general question involved and, if so, whether they would see any objection to its being communicated to the Canadian Government as the view of His Majesty's Government.

I am, &c.,  
A. LAW.

The Secretary  
to the Board of Trade.

17585

No. 156.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 20th May, 1914.  
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 13th instant,† forwarding copies of correspondence with the Board of Trade on the subject of the refusal of the Danish and Swedish authorities to register a Canadian trade-mark.

\* Not received in Colonial Office. † No. 155.



2. Mr. Harcourt will await the further letter which will doubtless be sent on receipt of the reply of the Board of Trade to the letter addressed to them on the 28th April.\*

3. The Anglo-Danish Declaration of 1879 being applicable to Canada, Mr. Harcourt gathers from the correspondence enclosed in your letter that, in the opinion of the Board and of Secretary Sir Edward Grey, Canadian companies are entitled to the protection accorded by that Declaration to British subjects.

I am, &c.,  
HENRY LAMBERT.

19428

No. 157.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 28th May, 1914.)

[Answered by No. 158.]

SIR,

Foreign Office, 27th May, 1914.

I AM directed by Secretary Sir E. Grey to refer to your letter of the 3rd January,† enclosing copies of correspondence with the Board of Trade and Messrs. Evans-Jackson and Company, regarding the refusal of the authorities in Denmark and Sweden to register a Canadian trade mark.

The points raised therein may be summarized as follows:—

- (1) Have British subjects, belonging to an oversea dominion of the British Crown not a party to the Industrial Property Conventions, the right to claim the privileges accorded in those Conventions to British subjects, "*eo nomine*"?
- (2) Can this interpretation be stretched so as to cover companies as well as individuals?
- (3) Can "most favoured nation" or national treatment in the registration of trade marks be claimed in virtue of an ordinary commercial treaty granting such treatment in commerce and industry generally, in the case where no specific mention of trade marks is made in the treaty?
- (4) Does the Anglo-Danish Trade Marks Agreement of 1879 cover Colonial British subjects.

As regards the first point, I am to observe that a discussion on the subject has recently been proceeding with the Japanese Government, who declined, in the first instance, to register trade marks on behalf of natives of India, on the ground, presumably, that India was not a party to the Industrial Property Convention of 1911. They have, however, now agreed to grant the benefits of this Convention to all British subjects, whether residents in an adhering dominion or not, providing that the applicant can by certain prescribed methods prove that he enjoys the full and perfect status of a British subject. Taking this precedent into account, and in consideration of the Law Officers' opinion of the 13th of October, 1899,‡ to which reference is made in your letter, Sir E. Grey is prepared to urge on the Danish and Swedish Governments that all British subjects, whether resident in Canada or not, are entitled, as such, to enjoy the benefits of the Industrial Property Convention of 1883. The fact, however, should not be lost sight of that the Swedish and Danish Governments may, unlike the Japanese Government, decline to accept this interpretation of the Convention, in which case the attitude of His Majesty's Government will have to be further considered.

As regards the second point, Sir E. Grey concurs in the view of the Secretary of State for the Colonies that the terms of the Convention of 1883 cannot be held to be wide enough to cover the case of a trade mark owned by a company incorporated in a non-adhering Colony.

The opinion of the Law Officers which is referred to in the second paragraph of your letter would appear to have been based primarily on the difficulty of distinguishing between the status of a British subject in one part of the Empire and a British subject in another. On the other hand, a distinction can clearly be drawn between a company which is registered in a Colony, and is thus a creation of the Colonial Government, and a company registered in the United Kingdom.

\* Enclosure 2 in No. 155. † No. 153. ‡ No. 232a in Vol. V. of Law Officers' Opinions.

Whilst, however, agreeing with the conclusions of the Colonial Office on this matter, Sir E. Grey is inclined to think that the arguments on which those conclusions are based involve some misapprehension as to the real purport of Article VII. *bis* (not Article VI. *bis*, as stated in your letter) of the Industrial Property Convention as revised at Washington in 1911. It is true that this Article for the first time provides for the accord of trade marks to associations, a provision absent from the original Convention of 1883 to which (and not the revised Convention) Sweden and Denmark are at present parties. The purpose of Article VII. *bis*, however, is not to extend to ordinary trading companies for the first time the right to register trade marks, a right which, so far as Sir E. Grey is aware, they have in fact always enjoyed without question in the countries which are parties to the Convention, but to allow associations of persons to register a trade mark for the use of their members in cases in which the association itself does not (like an ordinary trading company) possess an industrial establishment.

As regards the third point, I am to state that Sir E. Grey does not propose to offer any opinion on the general question as to whether treaty provisions granting most-favoured-nation or national treatment in commerce and industry generally are sufficient in themselves to secure such treatment for trade marks. Quite apart, however, from the general question of principle, Sir E. Grey holds that it would be difficult to maintain that the Treaties with Denmark of 1660 and 1670, and with Sweden of 1766 cover the subject of trade marks, seeing that they were concluded at a time when such marks were not protected by any special form of legislation in any of the countries concerned.

Thus Article XIII. of the Anglo-Danish Treaty of 1660 appears to relate to privileges and immunities in regard to fishing and in regard to Customs and other similar duties. Article XXIV. of the same Treaty and Article XL. of the Anglo-Danish Treaty of 1670 in referring to "better . . . privileges than what are contained in this Treaty" may be regarded as limiting the most-favoured-nation rights of this country to privileges of the nature of those specifically enumerated.

It is true that Article II. of the Anglo-Swedish Treaty of 1766, being worded in general terms, might conceivably be construed as granting mutual most-favoured-nation treatment in *every* matter whatsoever, present and future, and not merely in matters of commerce and navigation, but in any case this interpretation is not one which His Majesty's Government would be in a position to advance, seeing that there are some matters (*e.g.*, the treatment of commercial travellers and their samples) in which Swedish subjects are not accorded unconditional most-favoured-nation treatment in the United Kingdom.

As regards point four, it is observed that doubts have been raised whether the Anglo-Danish Agreement of 1879 can, in view of its preamble, be held to cover Colonial British subjects. While fully appreciating this point of view, Sir E. Grey considers that if His Majesty's Government are to insist that the term "British subject," when used in a treaty, includes all Colonial British subjects, it would be preferable to maintain this view equally in the case of this Anglo-Danish Agreement. To allow that the preamble, in this case, can have the effect of altering the meaning of the term "British subject" would tend, it is felt, to weaken the case of His Majesty's Government on the general question.

I am to add that the Board of Trade concur in the above views, and I am to suggest, for Mr. Harcourt's consideration, that they should be communicated to the Canadian Government as those of His Majesty's Government.

I am, &c.,  
A. LAW.

19428

No. 158.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 11th June, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th ultimo,\* relative to the action of the authorities in Denmark and Sweden in refusing to register a Canadian trade mark, and to transmit to you

\* No. 157.



drafts of a despatch and a letter\* which it is proposed, if Secretary Sir E. Grey concurs in their terms, to address respectively to the Governor-General of Canada and Messrs. Evans-Jackson and Company on the subject.

2. It is proposed that the despatch to the Governor-General should be sent simultaneously with the despatch as to companies' trade marks in Japan of which a draft is enclosed in the letter from this Department of even date.†

3. With reference to the penultimate paragraph of your letter under acknowledgment, I am to say that Mr. Harcourt does not understand the nature of the doubts which have been raised as to the position of Colonial British subjects under the Anglo-Danish Declaration of 1879. The question of the position of Colonial British subjects under treaties arises only in cases where the treaty applies to some parts of His Majesty's territories and not to others. The Anglo-Danish Declaration, however, extends to "the Dominions and Possessions" of the two contracting parties. It is true that the Declaration records an agreement between the two Governments, but as Governments have neither "subjects" nor "Dominions and Possessions," the contracting parties must be regarded as the two Sovereigns. The terms of the Agreement make it clear in Mr. Harcourt's opinion that the word "countries" is used in the preamble to denote the whole extent of the territories of the two Sovereigns.

I am, &c.,  
HENRY LAMBERT.

Enclosure 1 in No. 158.

(Draft.)  
(Confidential. No. 2.)

SIR,

Downing Street,

WITH reference to my Confidential despatch No. (1), of even date,‡ I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, copy of a correspondence§ with Messrs. J. E. Evans-Jackson and Company relative to the action of the authorities in Denmark and Sweden in refusing the registration of a Canadian trade mark.

2. The treaty aspects of this matter have received the careful consideration of His Majesty's Government, and I am now in a position to acquaint you with the conclusions at which they have arrived.

3. Three sets of treaty stipulations have been examined in this connexion, first, the International Convention for the Protection of Industrial Property of the 20th March, 1883, to which Denmark and Sweden are parties, though they are not yet parties to the Convention of 1911; secondly, the treaties with Denmark of 1660 and 1670, and that with Sweden of 1766; and thirdly, the Anglo-Danish Declaration relating to trade marks, of the 28th November, 1879.

4. As regards the Industrial Property Convention of 1883, this Convention is not in force in Canada, but your Ministers are aware from previous correspondence that His Majesty's Government hold that, notwithstanding this fact, the benefits which Article II. of the Convention confers on British subjects as such extend to British subjects connected with Canada. The trade mark which the authorities in Denmark and Sweden refused to register was one registered in Canada and the property of a company registered in Canada. It will be seen from Mr. Chamberlain's circular despatch of the 2nd December, 1899,|| that the registration of the trade mark in Canada cannot be made the basis of a claim for such protection as the Convention guarantees only to trade marks registered in a country in which the Convention is in force. The question whether the rights which Article 2 of the Convention, in the view of His Majesty's Government, secures for British subjects connected with Canada, though the Convention is not in force there, extend to companies incorporated in Canada has not previously been considered, but His Majesty's Government have now come to the conclusion that the answer to the question is in the negative.

5. No doubts have ever, to the knowledge of His Majesty's Government, been raised as regards to the rights of companies, as distinguished from subjects, to protection under the Convention of 1883, if the companies have been incorporated in

\* SECRETARIAT NOTE: Neither the despatch nor the letter was sent before the end of 1914, no reply from the Foreign Office having been received. † No. 151. ‡ Enclosure in No. 151. § Nos. 478, 487 and 490 in Dominions No. 45. || 30482/99: not printed.

a country in which the Convention is in force, and the position is not altered by Article 7bis of the Convention of 1911, the purpose of that Article being not to extend to trading companies for the first time the right to have their trade marks protected, but merely to provide for cases in which the trade mark is owned by an association of persons which does not (like an ordinary trading company) possess an industrial establishment.

6. Companies incorporated in a foreign country in which the Convention is not in force are clearly not in any circumstances entitled to the protection of the Convention, and His Majesty's Government are of opinion that the position of companies incorporated in a part of His Majesty's dominions in which the Convention is not in force stand on the same footing, even if exclusively composed of British subjects.

7. The status of a British subject is general and not local; a British company, however, is merely a company incorporated in some part of His Majesty's territories, and the effect of the non-application of a treaty to a part of His Majesty's territories being (while not diminishing the number of British subjects entitled to the benefits conferred by the treaty on British subjects as such) to exclude that part from the category of His Majesty's territories for the purposes of the treaty, it follows that companies incorporated in such excluded parts cannot be regarded as British companies for the purposes of the treaty. It will be seen from my Confidential despatch No. (1) of even date\* that the Japanese Government take the same view of the position of companies under the Convention of 1911 as the Danish and Norwegian Governments apparently do of the position of companies under the Convention of 1883, and the above observations will explain why His Majesty's Government think that the view of the Japanese Government cannot be contested. No means, therefore, exist of securing for Canadian companies protection under the Conventions of 1883 and 1911, except the adhesion of Canada to those Conventions.

8. As regards the treaties with Denmark of 1660 and 1670, and the treaty with Sweden of 1766, these treaties differ from the International Conventions for the Protection of Industrial Property of 1883 and 1911 in being in force in Canada. They do not, however, make specific provision in regard to trade marks. In this respect they resemble the existing treaty with Japan. Your Ministers will have observed that my despatches, No. 186 of the 8th March, 1913, and No. 20 of the 9th January, 1914,† were written on the assumption that the terms of Article 24 of the treaty with Japan are wide enough to cover trade marks, and would, in fact, have covered them but for a certain incident in the course of the negotiations which led up to the treaty. Doubts have, however, since been raised as to whether rights in respect of trade marks pass under treaty except in pursuance of express and specific provisions in that behalf. It is not, however, necessary for the present purpose to form any definite opinion on this general question, as His Majesty's Government are advised that it would be difficult to maintain that the treaties with Denmark of 1660 and 1670, and with Sweden of 1766, cover the subject of trade marks, seeing that they were concluded at a time when such marks were not protected by any special form of legislation in any of the countries concerned.

9. Article 13 of the Anglo-Danish Treaty of 1660 appears, indeed, to relate merely to privileges and immunities in regard to fishing and in regard to Customs and similar duties. Similarly, Article 24 of the same treaty, and Article 40 of the Anglo-Danish Treaty of 1670, in referring to "better . . . . . privileges than what are contained in this treaty," may be regarded as limiting the most-favoured-nation rights of this country to privileges of the nature of those specifically enumerated. Article II. of the Anglo-Swedish Treaty of 1766 is, however, worded in general terms, and might conceivably be construed as granting mutual most-favoured-nation treatment in every matter whatsoever, present and future, and not merely in matters of commerce and navigation, but in any case this interpretation is not one which His Majesty's Government would be in a position to advance, seeing that there are some matters (e.g., the treatment of commercial travellers and their samples) in which Swedish subjects are not accorded unconditional most-favoured-nation treatment.

\* Enclosure in No. 151. † No. 377 in Dominions No. 45 and No. 144 in this volume.



10. There remains the Anglo-Danish Declaration of the 28th November, 1879, which both deals specifically with trade marks and is in force in Canada. On the analogy of the practice under the Industrial Property Convention of 1883, which I have explained above, companies incorporated in Canada would be entitled to the protection of this Declaration, but the protection to be claimed under it is merely that which the law of Denmark gives to Danish companies, and it is not clear that the steps taken to obtain protection for the Canadian trade mark in question were those which a Danish company would have taken to obtain protection for a trade mark of its own.

I have, &c.

Enclosure 2 in No. 158.

(Draft.)

GENTLEMEN,

Downing Street,

WITH reference to your letters of the 19th and 22nd December,\* and previous correspondence, I am directed by Mr. Secretary Harcourt to inform you that the question of the treaty position of Canadian trade marks in Denmark and Sweden has been receiving the careful consideration of His Majesty's Government, and that they are now in communication with the Canadian Government on the subject.

2. The original documents enclosed in your letters under reference are returned herewith.

I am, &c.,

#### Inclusion of Coasting Trade in Commercial Treaties.

16475

No. 159.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 5th May, 1914.)

[Answered by No. 161.]

SIR,

Foreign Office, 4th May, 1914.

WITH reference to your letter 2273, of the 29th January,† I am directed by Secretary Sir E. Grey to transmit to you herewith copies of correspondence with the Board of Trade and the Danish Minister respecting the recent Canadian Order in Council admitting certain foreign shipping to a portion of the Canadian coasting trade.

The question of the treaty rights of foreign Powers in the Canadian coasting trade was, it will be recollected, discussed in 1908 and 1909, in connexion with a previous Order in Council on this subject of the 13th January, 1908. The correspondence terminated with a letter from the Colonial Office dated 30th January, 1909,‡ enclosing the text of a further Order opening part of the Canadian coasting trade until the 31st December, 1911, to the following countries:—Italy, Germany, the Netherlands, Sweden, Norway, Austria-Hungary, Denmark, Belgium, Argentina, and Japan. It is understood that by a subsequent Order of the 8th December, 1911, this concession was prolonged until the 31st December, 1913.

In the present Order in Council, however, only four of these countries are still granted the right to take part in the coasting trade. The right has apparently been now withdrawn from Italy, Germany, the Netherlands, Belgium, Argentina, and Denmark. Of these, the first four have no treaty rights to most-favoured-nation treatment in the Canadian coasting trade, and no exception can be taken therefore on those grounds to the action of the Canadian Government in depriving these Powers of the privilege they have hitherto enjoyed.

The position of the Argentine Republic is more doubtful. From their letter of the 17th ultimo, it is evident that the Board of Trade hold that Argentina is entitled to participate with other foreign Powers in the Canadian coasting trade, although the Board's reasons for holding this view are not stated. On the other hand, Sir E. Grey inclines to the opinion that the Anglo-Argentine Commercial Treaty of 1825 (which is binding on Canada) contains no provision which would justify a

formal claim to the privilege. The words in Article 2 of the Treaty, "liberty to come . . . with their ships and cargoes . . . to all such places . . . to which other foreigners are or may be permitted to come," do not appear to Sir E. Grey, even when read in conjunction with Article III., to be sufficient to give Argentine citizens the right to carry goods from one Canadian port of entry to another. In any case, however, it is not likely that the Argentine Government will of their own accord raise this question, and Sir E. Grey would suggest that, until they do, no action need be taken in the matter by the Canadian Government.

The treaty position of Denmark appears also to be somewhat doubtful, and Sir E. Grey is unable to accept the view held by the Board of Trade, to the effect that the Danish Government might claim most-favoured-nation rights in the Canadian coasting trade in virtue of Article 40 of the Anglo-Danish Treaty of 1870, even assuming that that Treaty still applied. It is to be noted, moreover, that in the Danish Minister's note of the 27th February, the request for the reopening of the coasting trade to Danish vessels is not based upon any treaty rights, but merely on the grounds that they have hitherto participated in it, and that the Danish coasting trade is open to certain British vessels. In these circumstances, I am to suggest, for Mr. Secretary Harcourt's consideration, that the Canadian Government might be informed that, although the Danish Government do not advance any claim to participate under Treaty, it would, nevertheless, in the opinion of His Majesty's Government, be advisable to open to Danish vessels that portion of the Canadian coasting trade specified in the recent Order in Council, seeing that they enjoyed the right to participate in it under the previous Orders, and that the Danish coasting trade is already open to certain British vessels.

As the Canadian Government have granted to certain Powers the right to take part in the coasting trade, the question arises whether any other Powers, besides those already dealt with in this letter, might not claim a similar right under the clauses in their treaties providing for most-favoured-nation treatment. It appears to Sir E. Grey that Liberia, Muscat, and Venezuela have an undoubted right in this respect, and that Russia has, in virtue of Article X. of the Anglo-Russian Commercial Treaty of 1859, an arguable, though not a certain, claim to such a right. I am to suggest that the Canadian Government should be so informed, and that they should be requested to extend to the first three of these countries any rights in the coasting trade which they may grant to other foreign Powers. In the case of Russia, however, seeing that the treaty position is uncertain, and that the coasting trade of Russia is not open to British vessels, there would appear to be no need for the Canadian Government to take the initiative in recognizing the rights of Russian vessels, if any, in this matter.

The same observation applies in the case of Moorish vessels, the treaty position of which is equally uncertain.

I am, &c.,

A. LAW.

Enclosure 1 in No. 159.

SIR,

Foreign Office, 16th February, 1914.

I AM directed by Secretary Sir E. Grey to state that he understands that the Colonial Office has communicated to the Board of Trade copy of the Canadian Order in Council of the 16th of December, respecting the admission of certain foreign shipping to the coasting trade of Canada.

I am to draw attention to the letter from this Department of the 5th October, 1909, and to previous correspondence respecting the treaty rights of foreign countries in the Canadian coasting trade; and to state that Sir E. Grey will be glad to be furnished with any observations that the Board of Trade may desire to offer respecting the list of countries admitted to the Canadian coasting trade by the present Order in Council.

It will be seen that the present Order in Council excludes from this trade the following countries, which were admitted to it by the previous Canadian Order in Council of the 17th and 31st of December, 1908—Italy, the Netherlands, Germany,

\* Nos. 487 and 490 in Dominions No. 45. † L.F. ‡ No. 43 in Dominions No. 7.



Denmark, Belgium, and the Argentine, and moreover, that by their treaties, Liberia, Morocco, Muscat, Russia, and Venezuela might possibly be held to be entitled to most-favoured-nation treatment in the Canadian coasting trade.

The Secretary  
to the Board of Trade.

I am, &c.,

A. LAW.

Enclosure 2 in No. 159.

Board of Trade (Commercial Department), Gwydyr House,

SIR, Whitehall, London, S.W., 17th April, 1914.

WITH reference to your letter of the 16th February, relative to a Canadian Order in Council respecting the admission of the shipping of certain foreign countries to the coasting trade of Canada, I am directed by the Board of Trade to state, for Sir E. Grey's information, that an examination of the treaties in force leads them to the conclusion that, as this trade has been open to vessels of Norway, Sweden, Austria-Hungary, and Japan, the vessels of the following other countries are also entitled to participate therein, *viz.*:—Argentina, Liberia (assuming that Canada has not yet withdrawn from the Anglo-Liberian Treaty of 1848), Muscat, Russia, and Venezuela.

To this list it is possible that Denmark and Morocco should also be added. With regard, however, to these countries, I am to offer the following observations.

As regards Denmark, it would seem that matters of navigation are regulated by the Anglo-Danish Commercial Convention of 1824, which is to be considered in this respect to have superseded the Treaty of 1670. It is true that Article VI. of the later instrument, which excludes the Colonies from the operation of the Convention, provides that "the intercourse which may at present legally be carried on by the subjects or ships of either of the said High Contracting Parties with the Colonies of the other shall remain upon the same footing as if this Convention had never been concluded." It is, however, doubtful whether trade with the Colonies can be held to include trade in those Colonies (*i.e.*, coasting trade). If, nevertheless, the Anglo-Danish Treaty of 1670 is regarded as still operative so far as concerns this matter, and if Canada has not yet withdrawn from that Treaty, the Board recognize that Danish subjects would have a claim to most-favoured-nation rights in the matter by virtue of Article 40 of the Treaty in question.

Moroccan vessels could, so far as the Board are aware, claim most-favoured-nation treatment in the Canadian coasting trade only in virtue of the final paragraph of Article I. of the Anglo-Moroccan Convention of Commerce and Navigation of 1856. The Board, however, venture to doubt whether the words, "all other rights and privileges," occurring in a context which relates to strictly personal matters and in an Article which does not once mention navigation, could be stretched so as to cover the possible rights of Moroccan vessels in the Canadian coasting trade.

Lastly, whilst the Board have included Russia in the list of countries which are entitled by Treaty to participate under the conditions above referred to, they consider it to be at least arguable that the general most-favoured-nation treatment accorded to subjects of either country by Article X. of the Anglo-Russian Treaty of 1859, does not relate to the coasting trade, which is expressly excluded at least from the preceding provisions of the Treaty by Article VIII. Accordingly, having regard to the fact that Russia does not open her coasting trade to British vessels, the Board venture to suggest, for Sir E. Grey's consideration, that there is no sufficient reason for Canada to take the initiative in this case, but that it might be left to the Russian Government, if they feel so disposed, to raise the question of their right under the Treaty to participate in the trade in question.

I have, &c.,

GEO. J. STANLEY.

The Under-Secretary of State,  
Foreign Office.

Enclosure 3 in No. 159.

Danish Legation.

By an Order in Council, dated the 8th of December, 1911, the Canadian Government granted to vessels of not less than 1,500 tons gross tonnage from certain countries—amongst which Denmark—the privilege of participating in the coasting trade between Nova Scotia and Quebec until 31st December, 1913. By an Order in Council of the 16th December, 1913, this privilege was extended until the 31st December, 1914, for the following countries: Norway, Sweden, Austria-Hungary, and Japan.

Denmark being thus excluded from the last-named Order in Council, Danish vessels are not admitted to the said coasting trade from the 1st January, 1914.

British ships over thirty tons are admitted to the coasting trade in Denmark.  
London, 27th February, 1914.

Office of the High Commissioner for Canada,  
17, Victoria Street, London, S.W.,

SIR, 13th February, 1914.

REPLYING to your letter of the 12th instant, I beg to inform you that the wording of the Order in Council, dated 16th December, 1913, to which you allude, is as follows:—

"Steamships of not less than two thousand tons gross tonnage each, of the following countries, namely:—Norway, Sweden, Austria-Hungary, and Japan shall be admitted to the coasting trade of Canada in the carrying of goods and passengers coastwise between any port in the Province of Nova Scotia and any port in the Province of Quebec, and *vice versa*, on the same terms and conditions as are applicable to Canadian vessels until the 31st day of December, 1914."

I am, &c.,

W. L. GRIFFITH.

His Excellency

The Danish Minister,

29, Pont Street, S.W.

MEMORANDUM.—DEPARTMENT OF CUSTOMS, CANADA.

To COLLECTORS OF CUSTOMS,

Ottawa, 9th December, 1911.

*Coasting Trade of Canada.*

REFERRING to Memorandum 1510 B., of 17th December, 1908, you are hereby advised that an Order in Council, dated the 8th December, 1911, contains the following provisions:—

*At the Government House at Ottawa.*

8th December, 1911.

Present:

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

His Royal Highness the Governor-General in Council is pleased to order and it is hereby ordered as follows:—

Steamships of not less than fifteen hundred tons gross tonnage each, of the following countries, namely:—Italy, Germany, the Netherlands, Sweden, Norway, Austria-Hungary, Denmark, Belgium, the Argentine Republic, and Japan shall be admitted to the coasting trade of Canada in the carrying of goods and passengers coastwise between any port in the Province of Nova Scotia and any port in the Province of Quebec, and *vice versa*, on the same terms and conditions as are applicable to Canadian vessels, until the 31st day of December, 1913.

JOHN McDUGALL,

Commissioner of Customs.

Mailed direct to outports and stations.



2273

Annexure to No. 159.

*At the Government House at Ottawa.*

Tuesday, the 16th day of December, 1913.

Present:

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

HIS ROYAL HIGHNESS the Governor-General in Council is pleased to order and it is hereby ordered as follows:—

Steamships of not less than 2,000 tons gross tonnage each, of the following countries, namely, Norway, Sweden, Austro-Hungary, and Japan shall be admitted to the coasting trade of Canada in the carrying of goods and passengers coastwise between any port in the Province of Nova Scotia and any port in the Province of Quebec, and *vice versa*, on the same terms and conditions as are applicable to Canadian vessels, until the 31st day of December, 1914.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

16475

No. 160.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 164.]

(No. 377.)

SIR,

Downing Street, 18th May, 1914.

WITH reference to Earl Grey's despatch No. 105, of the 2nd March, 1909,\* I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, copy of a memorandum† relative to the Canadian Order in Council of the 16th December, 1913, respecting the coasting trade, which has been communicated by the Danish Minister to the Secretary of State for Foreign Affairs.

2. The memorandum points out that Denmark is not included in the countries whose ships may participate in the coasting trade referred to in the Order in Council, and calls attention to the fact that British vessels over thirty tons are admitted to the coasting trade of Denmark.

3. His Majesty's Government will be obliged if the question of the position of Danish ships under the Order in Council may receive the further consideration of your Ministers, and if you will apprise me of their decision in due course.

I have, &amp;c.,

L. HARCOURT.

16475

No. 161.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 162.]

SIR,

Downing Street, 18th May, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 4th instant,‡ enclosing copies of correspondence with the Board of Trade and copy of a memorandum communicated by the Danish Minister on the subject of the recent Canadian Order in Council relative to the coasting trade of the Dominion.

2. In reply, I am to refer to your letter of the 25th November, 1908.§ in which Sir E. Grey held that "coasting trade" is not included in general treaty stipulations regarding commerce and navigation, but that it must be actually

\* 9195/09: not printed.

† Enclosure 3 in No. 159.

‡ No. 159.

§ No. 35 in

Dominions No. 7.

specified in the treaty, or the wording of the stipulations must be so clear and definite that the inclusion of the trade is obviously intended, and that it would appear, therefore, that the only countries then entitled to most-favoured-nation treatment in Canada as regards the coasting trade were Austria and Japan. It will be seen from the letter from this Department of the 4th December, 1908,\* that the Canadian Government were duly informed in this sense on the 3rd December, 1908.†

3. In these circumstances, Mr. Harcourt has not felt himself in a position to do more than transmit a copy of the Danish Minister's memorandum to the Governor-General of Canada, for the consideration of his Ministers, in the despatch‡ of which a copy is enclosed.

4. In connexion with the question whether rights in the coasting trade pass under treaty otherwise than under express grants, Mr. Harcourt has learnt with interest from the correspondence which has recently passed between the Foreign Office and the Board of Trade respecting the refusal of the authorities in Denmark and Sweden to register a Canadian trade mark that Sir E. Grey is of the opinion that specific provisions are required before rights with respect to the registration of trade marks can be claimed under a treaty.

5. As regards the rights of Danish ships in particular to participate in the Canadian coasting trade on a most-favoured-nation basis, it is observed that there is no allusion to treaty rights either in the Danish Minister's memorandum of the 27th February, 1914,§ or in his notes of the 7th October, 1908, and the 1st January, 1909.|| Mr. Harcourt notes that Sir E. Grey entertains some doubt as to the treaty position of Russian ships in the matter of the coasting trade of Canada. He would, however, point out that Article 8 of the Russian Treaty expressly provides that each of the High Contracting Parties shall regulate the coasting trade according to its own laws, and that the coasting trade of the Dominion has apparently never been opened to Russian ships.

I am, &amp;c.,

HENRY LAMBERT.

26976

No. 162.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 24th July, 1914.)

[Answered by No. 163.]

SIR,

Foreign Office, 23rd July, 1914.

IN the letter from this Department of 4th May last¶ the treaty position of various foreign countries in regard to the Canadian coasting trade was discussed, and it was finally suggested that the recent Canadian Order in Council on the subject should be extended so as to admit the participation of Danish, Liberian, Muscat, and Venezuelan vessels. Secretary Sir E. Grey learned, in reply, from your letter of 18th May last,\*\* that, in view of the conclusions given in the Foreign Office letter of 25th November, 1908,†† *i.e.*, that the only countries entitled to most-favoured-nation treatment in Canada as regards the coasting trade were Austria and Japan, Mr. Harcourt felt unable to agree to the suggestion.

I am to express Sir E. Grey's sincere regret that, through inadvertence, the modification of views which has taken place in this Department since 1908 has not previously been brought to the knowledge of the Colonial Office. The facts are as follows:—

In the above-mentioned letter of 25th November, 1908, the general principle is laid down that coasting trade is not to be deemed to be included in general treaty stipulations regarding commerce and navigation, but must be actually specified in the treaty, or the wording of the stipulations must be so clear and definite that the inclusion of the coasting trade is obviously intended. This principle was at once contested by the Board of Trade, who considered that if carried to its logical conclusion it might imperil important British interests. The Board urged that it was to the interest of the United Kingdom to give a broad interpretation to treaty

\* No. 37 in Dominions No. 7.

† No. 36 in Dominions No. 7.

‡ No. 160.

§ Enclosure 3 in No. 159.

|| Enclosures in Nos. 30 and 39 in Dominions No. 7.

¶ No. 159.

\*\* No. 161. †† No. 35 in Dominions No. 7.



stipulations according national or most-favoured-nation treatment as regards commerce and shipping and thus to secure all the advantages which can be derived from the spirit as well as from the letter of commercial treaties in force; and that it would be detrimental to national interests if by an unduly narrow interpretation any advantages which the United Kingdom might reasonably claim were to be given up.

While the matter was under further consideration the question was raised in a concrete form by the Honduran Government, who suddenly closed their coasting trade to all foreign vessels. The Assistant Legal Adviser to the Foreign Office thereupon examined the whole question of treaty rights and, regarding each commercial treaty separately in the "broad spirit" recommended by the Board of Trade, drew up a memorandum which has since been adopted as representing the view of the Foreign Office. In this memorandum the previous interpretation is reversed and the general principle adopted that the navigation clauses of commercial treaties *do* cover the coasting trade unless there is something to show that it is meant to be excluded.

I am to transmit to you herewith a copy of this memorandum and to express again Sir E. Grey's regret that it was not communicated at the time to your Department. Sir E. Grey earnestly hopes, however, that the conclusions set forth therein will commend themselves to Mr. Harcourt and that he will be able to communicate them to the Canadian Government as the definite views of His Majesty's Government.

Since the receipt of your letter of 18th May last,\* Sir E. Grey has given further attention to the position of Denmark, Argentina, and Venezuela. He remains of opinion that it would be advisable, for the reasons given in the Foreign Office letter of 4th May,† to open to Danish vessels that portion of the Canadian coasting trade specified in the recent Order in Council; but he is disposed, in view of the controversial nature of the claim, to recommend that both Venezuela and Argentina should be regarded in the same light, and that the Canadian Government should be advised that there is not sufficient reason to open their coasting trade to either of these countries, at least until a claim of treaty grounds is advanced by one or the other, when the matter could be carefully considered by His Majesty's Government.

Finally, with reference to paragraph 5 of your letter of 18th May. I am to observe that in Article 8 of the Anglo-Russian Commercial Treaty of 1859, the coasting trade is only excluded from the operation of the *preceding* articles and therefore not necessarily from Article 10, which gives most-favoured-nation treatment in commerce and navigation. It can thus be argued with some show of reason that His Majesty's Government are entitled to most-favoured-nation rights in the Russian coasting trade.

I am, &c.,

A. LAW.

Enclosure in No. 162.

MEMORANDUM ON THE INCLUSION OF COASTING TRADE IN COMMERCIAL TREATIES, BY MR. HURST.

I HAVE looked at the great majority of our commercial treaties with a view to forming an opinion as to whether or not those making no specific reference to the subject at all do or do not cover that trade.

Before proceeding to deal with particular treaties, I should like to mention one or two points.

I do not think that too much attention should be paid to the individual words "commerce" or "navigation." They are not words of art: in some senses the coasting trade might fall under either, in other senses, I think, it is fairly clear that it is not included in either. The provisions of the article as a whole must be taken into consideration in deciding whether or not it covers the coasting trade.

Another point is that the terminology of these treaties does not seem to be very scientific; inconsistencies and superfluities are not infrequent; and this renders it undesirable to lay too much stress on arguments drawn from the interpretation of analogous clauses in other treaties; there is very often some additional article or paragraph or phrase which just makes all the difference.

\* No. 161.

† No. 159.

The simplest and easiest type of article to construe is a provision such as the following, which is part of Article 1 of the model draft:—

The subjects of each of the two contracting parties shall have liberty freely to come, with their ships and cargoes, to all places and ports in the territories of the other to which native subjects are, or may be permitted to come, and shall enjoy the same rights, privileges, liberties, favours, immunities, and exemptions in matters of commerce and navigation as are or may be enjoyed by native subjects.

This to my mind quite clearly covers the coasting trade, and, in the absence of any further proviso, exception, or limitation, would admit the vessels of one of the contracting parties to the coasting trade of the other.

A good example of such a provision is to be found in the treaty of 1905 with Nicaragua, where the clause occurs but is immediately followed by the proviso, "This stipulation shall not, however, apply to the coasting trade."

When that article is inserted in the above terms I do not think that any difficulty arises; it is not often, however, that the matter is dealt with in any such plain and unequivocal language, and in most cases the treaties that make no reference whatever to the coasting trade are more difficult to construe.

The articles in a commercial treaty dealing with imports, exports, and transit dues, such as 5, 6, and 7 of the model draft, do not seem to me to have any bearing on the right to take part in the coasting trade; nor have Articles like 12 or 13; the former deals only with the treatment to be meted out to a ship in the prosecution of a trade which is *ex hypothesi* open to her; similarly Article 13 deals only with the charges and taxes to be imposed on her while so employed. The last sentence of Article 13 is limited to equality in the matter of duties, &c., by the presence of the word "such."

Dealing only with rights accruing to British vessels from commercial treaties in force between this country and some other, and irrespective of rights which may accrue as the result of the operation of a most-favoured-nation clause on a concession given to some other Power, the position with regard to the coasting trade in respect of each country seems to me to be as follows:—

*Argentina. Treaty of 1825.*

The words in Article 2, "liberty to come . . . with their ships and cargoes . . . to all such places . . . to which other foreigners are or may be permitted to come," do not seem to me to be enough to give British subjects the right to carry goods from one port of entry to another in the territories of the Argentine Republic. Unless usage and tradition have combined to give a more extended meaning to the above words, I do not think we have a treaty right to take part in the coasting trade, though the river trade is opened to British ships by the treaty of 1853.

*Austria. Treaty of 1868.*

British subjects are entitled to take part in the Austrian coasting trade. The wording and substance of Article 2 clearly show that Article 1 covers the coasting trade.

*Belgium. Modus vivendi of 1898.*

If before 1898 British ships were entitled to take part in the Belgian coasting trade, they are still entitled to do so.

*Bolivia. Treaty of 1840.*

The last paragraph of Article 2 states that the coasting trade is limited to national vessels.

This treaty is very ill-constructed, because the first part of Article 2 only seems to me to give most-favoured-nation treatment (see remarks on Argentine treaty), whereas the last part excepts the coasting trade from the former because it is reserved to *national* ships.

If there is reasonable doubt as to the interpretation of Articles such as the first part of Article 2 in this treaty we could use the last paragraph as an argument to show that the former did include the coasting trade, but I think the argument would not be sound.



*Bulgaria, 1905.*

By Article 12 British ships are entitled to most-favoured-nation treatment only.

The wording of this treaty is not quite satisfactory so far as concerns the coasting trade, because the last paragraph of Article 1 and the first of Article 8 are drafted so widely that one would have said they covered the coasting trade, and therefore one would have expected Article 12 to be worded as an exception or proviso to the preceding Articles.

*Colombia, 1866.*

Article 9 removes the coasting trade from the scope of the treaty, and relegates it to the sphere of the municipal legislation on either side.

British ships have therefore no right to most-favoured-nation treatment as regards the coasting trade, if the treaty is construed strictly.

*Congo Free State, 1884.*

Article 2 of the convention gives a right to British ships to take part in the coasting trade. The last sentence is not, in my opinion, a mere intensification of the preceding most-favoured-nation clause. I think "especially" means "in any case."

Even if this was not the original intention, the same result would follow from the last paragraph of Article 2 of the Berlin Act.

*Congo Basin, 1885.*

By Article 2 the coasting and river trade of all territories in the Congo basin, either east or west coast, is open to the ships of all the signatories.

*Corea, 1883.*

Sections 1 and 7 of Article 5 entitle British ships to take part in the coasting trade.

*Costa Rica, 1849.*

The last section of Article 2 states that the coasting trade is reserved to national ships, and is not therefore opened to foreigners by the treaty.

The same remarks as to the drafting of Article 2 apply in this case as in that of Bolivia.

*Denmark, 1660, 1670, 1814, 1824.*

None of these treaties seem to me to give British ships a right to take part in the coasting trade; a mere right of access to an open port with liberty to trade there does not seem to cover it.

*Egypt, 1889.*

By the last paragraph of Article 5 the coasting trade is removed from the scope of the treaty and relegated to the sphere of domestic legislation.

From the Anglo-French declaration of 1904, Article 3, France appears to be entitled to take part in the Egyptian coasting trade: but the treaty of 1889 appears to me to give us no right to most-favoured-nation treatment, because the treaty does not apply to the coasting trade at all.

I presume, however, that if French ships are allowed to take part we are in a position to ensure British ships being allowed to do so too.

*France, 1882.*

The coasting trade is relegated to the sphere of municipal law by Article 9, and the treaty of 1882 does not affect it.

*Germany, 1886.*

British ships are entitled to take part in the coasting trade of the German possessions in the *Western Pacific*, also in that of German East and West Africa, under the Berlin Act. See *Congo*.

*Greece, 1886.*

By Article 7 the coasting trade is opened to British ships. Article 1 is so worded as to have already given this right, and therefore, so far as regards the coasting trade, Article 7 seems to me to be superfluous.

*Honduras, 1887.*

I think this treaty is exceedingly difficult to construe, but, on the whole, I still think that the second paragraph of Article 3 so limits the first paragraph that the two together do not give British ships the right to take part in the coasting trade. The third paragraph covers it, but that only gives most-favoured-nation rights.

The "all matters connected with navigation" in the second part of Article 3 must be construed in accordance with the *ejusdem generis* doctrine, otherwise the words "or any other privilege in matters of navigation" in the third paragraph would be tautologous.

I think also Article 1 would cover it, but that only gives most-favoured-nation rights.

See also the notes on *Paraguay*.

*Italy, 1883.*

The coasting trade is excluded from the operation of the treaty, and relegated to the sphere of municipal legislation by Article 8.

*Japan, 1894.*

By Article 11 the coasting trade is excluded from the operation of the treaty, and relegated to the sphere of municipal legislation. By a subsequent sentence most-favoured-nation treatment is given so far as regards the coasting trade. This is an interesting addition, because it leads [tends?] to confirm the view I have expressed that we have no most-favoured-nation rights in the coasting trade where that subject is excluded from the operation of the treaty (see *Colombia, Egypt, France, Italy*).

*Liberia, 1848.*

Nothing in this treaty appears to me to give British ships a right to take part in Liberian coasting trade, but Article 7 gives most-favoured-nation rights.

*Mexico, 1888.*

Article 2 and the third paragraph of Article 3 give British ships most-favoured-nation treatment in the coasting trade, but that is all.

*Morocco.*

The Anglo-French declaration of 1904, Article 2, states that since 1901 British ships have had a right to take part in the coasting trade in Morocco.

Whether this exists by virtue of some treaty or agreement with Morocco I do not know. No such treaty appears in the "Handbook." Article 1 of the commercial convention of 1856 gives most-favoured-nation rights. Article 31 of the consular convention of 1856 reads as if a British ship might take part in the coasting trade of Morocco if it were hired by Morocco subjects.

*Muscat, 1891.*

Article 2 gives most-favoured-nation rights. I do not think that Article 4 gives British ships a right to take part in the coasting trade of Muscat (if there is any such trade), but I am not quite sure.

*Netherlands, 1837, 1851.*

I think Article 1 of 1837 covers the coasting trade, and gives British ships a right to take part in it; but I am by no means confident as to it, and, in view of the date of the treaty, one would expect clear words to that effect if it was meant to cover this trade. The words in the second line of Article 1 "between and amongst" imply that a British subject may take part in the commercial transactions of Dutchmen.

The words in Article 1 of 1851, "from whatever port or place arriving," are wide enough to cover a British ship arriving at one Dutch port after starting from another: the article itself relates only to dues.

*Nicaragua, 1905.*

The coasting trade is excepted from Article 1, but Article 11 gives most-favoured-nation rights. The last two lines of Article 1 seem to me to be superfluous.



*Norway, 1824.*

I do not think this treaty gives more than most-favoured-nation rights in the coasting trade.

*Paraguay, 1884.*

This treaty is in the same form as Honduras, and for the reasons given with regard to that treaty I am inclined to think that it would not give British ships more than most-favoured-nation treatment in the coasting trade; but the protocol at first sight appears to go further; but it can only refer to the coasting trade on the rivers, as Paraguay has no coasts.

If the words of Articles 2 and 4 are wide enough to cover the coasting trade, what need was there for the protocol? This argument tells in favour of the view I have urged as to the Honduras treaty.

*Peru, 1850.*

The coasting trade is not opened to British ships by the treaty. (See last paragraph of Article 2.)

The remarks as to the drafting of the Bolivia and Costa Rica treaties apply also in this case.

*Roumania, 1905.*

Article 10 gives British ships most-favoured-nation rights in the coasting trade.

*Russia, 1859.*

By Article 8 the coasting trade is excluded from the operation of Article 1 of the treaty and is to be regulated by municipal law; but in this case we are, I think, entitled to most-favoured-nation rights in the coasting trade, because it is Article 10 which gives most-favoured-nation rights, and by Article 8 the coasting trade is only excluded from the operation of *preceding articles* and therefore not from Article 10.

*Salvador, 1862.*

Article 3 gives British vessels a right to take part in the coasting trade, but I understand this treaty has been denounced.

*Siam, 1855.*

British ships are certainly entitled to most-favoured-nation rights in the coasting trade under Article 10, and, I think, to national rights under the fifth paragraph of Article 8.

*Spain, 1667, 1670, 1713, 1814.*

I do not think these treaties give British ships the right to take part in the coasting trade. Their date, and the special stress laid on the West Indian traffic (see Article 8 of 1713 and Article 4 of 1814), all suggest that they do not cover the coasting trade.

*Sweden and Norway.*

I see nothing in 1826 to cover the coasting trade; it seems all to relate to imports, exports, or duties. But Article 3 of 1661 is so wide in its terms that it suggests a liberty to British ships to take part in all commerce, including the coasting trade.

*Turkey, 1675.*

Articles 1 and 3 appear to cover the coasting trade, but rights under the capitulations get so modified by usage that the strict interpretation of these old instruments is not very conclusive.

*United States of America, 1815.*

I do not think that Article 1 opens the coasting trade of the United States of America to British ships. (See remarks under Argentina.)

From the coasting trade of the East Indies American ships are specifically excluded by Article 3, but I do not think that this casts any doubt on the construction of Article 1. I think it was only another instance of the caution of the East India Company and the tenacity with which they adhered to their rights.

*Uruguay, 1885.*

By the 5th paragraph of Article 3 the coasting trade is excluded from the scope of the treaty and relegated to the sphere of municipal law.

*Venezuela, 1825.*

Article 2 is identical in wording with the treaty of 1825 with Argentina. (See *Argentina and United States of America*.)

*Zanzibar, 1886.*

This treaty has been abrogated. Great Britain's rights there are now not dependent on treaties.

C. J. B. H.

Foreign Office, 22nd September, 1909.

26976

No. 163.

## COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 20th August, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 23rd of July,\* on the subject of the treaty position of certain foreign countries with regard to the Canadian coasting trade.

2. In reply, I am to transmit to you a draft of a despatch which, with the concurrence of Secretary Sir Edward Grey, Mr. Harcourt proposes to address to the Governor-General of Canada on the subject.

3. It will be observed that no reference is made in the draft despatch to the treaty rights of Denmark, the Argentine, Venezuela, Russia, or Morocco. Mr. Harcourt gathers from your letter that Sir E. Grey thinks that there is not sufficient reason to hold that any of these countries have treaty rights in the coasting trade of Canada, and he considers, therefore, that it will only unnecessarily complicate matters to make any reference to the treaty position of these countries.

I am, &c.,

H. W. JUST.

Enclosure in No. 163.

## DRAFT DESPATCH TO THE GOVERNOR-GENERAL OF CANADA.

SIR, Downing Street, August, 1914.

WITH reference to my despatch No. 377 of the 18th May, 1914,† I have the honour to request Your Royal Highness to inform your Ministers that His Majesty's Government have given further consideration to the question of the inclusion of the coasting trade in general stipulations in regard to commerce and navigation in commercial treaties.

2. In his despatch No. 738 of the 3rd December, 1908,‡ the Marquess of Crewe informed your predecessor that His Majesty's Government had adopted the view that the coasting trade was not included in general stipulations regarding commerce and navigation, but that it must be actually specified in a treaty, or the wording of the stipulations must be so clear and definite that the inclusion of the trade is obviously intended.

3. His Majesty's Government have, however, now come to the conclusion that no such general principle as that laid down in Lord Crewe's despatch can safely be adopted. Each treaty must, therefore, be examined on its own merits, with a view to seeing whether the general provisions should or should not be limited in any respect, having regard to the other terms of the treaty.

4. All existing treaties which are applicable to Canada have accordingly been examined from this point of view. As the result of this examination His Majesty's Government are of opinion that, in addition to Japan, Liberia and Muscat are entitled to participate in the Canadian coasting trade on the most-favoured-

\* No. 162, † No. 160, ‡ No. 37 in Dominions No. 7.



nation footing, but as neither Liberian nor Muscat ships are likely to engage in the coasting trade of Canada, it would appear that it is not necessary for any action to be taken by your Government in the matter.

5. The Treaty of Navigation with Austria-Hungary, under which Austrian and Hungarian ships were entitled to most-favoured-nation treatment in regard to the coasting trade of Canada, has, of course, been suspended by the outbreak of war.

I have, &c.,

32878

No. 164.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st August, 1914.)

[Answered by No. 167.]

(No. 489.)

SIR,

Government House, Ottawa, 21st August, 1914.

WITH reference to your despatch, No. 377, of the 18th May last,\* enclosing a copy of a memorandum regarding the Canadian Order in Council of the 16th December, 1913, on the subject of the coasting trade, I have the honour to transmit, herewith, copies of an Order in Council repealing the Order of the 16th December, and admitting the ships of specified countries to the coasting trade of Canada.

I have, etc.,

ARTHUR.

Enclosure in No. 164.

(P.C. 2141.)

AT THE GOVERNMENT HOUSE AT OTTAWA, FRIDAY, THE 14TH DAY OF AUGUST, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

HIS ROYAL HIGHNESS the Governor-General in Council is pleased to Order and it is hereby Ordered as follows:—

The Order in Council of the 16th December, 1913, respecting the coasting trade between ports within the Province of Quebec and ports within the Province of Nova Scotia, is hereby repealed.

Steamships of not less than two thousand tons gross tonnage each, of the following countries, namely, Norway, Sweden, Denmark and Japan, shall be admitted to the coasting trade of Canada in the carrying of goods and passengers coastwise between any port in the Provinces of Quebec, Nova Scotia, New Brunswick or Prince Edward Island and any other port in one of said Provinces, and vice versa, on the same terms and conditions as are applicable to Canadian vessels, until 31st day of December, 1914.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

32878

No. 165.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 166.]

SIR,

Downing Street, 8th September, 1914.

WITH reference to the letter from this Department of the 20th ultimo,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, copy of a despatch‡ from the Governor-General of Canada, forwarding a revised Order in Council on the subject of the coasting trade of Canada.

\* No. 160.

† No. 163.

‡ No. 164.

2. It will be seen that Denmark has now been included among the countries whose ships may take part in the trade, but that Austria-Hungary has been omitted. As regards Austria-Hungary, I am to state that Mr. Harcourt is now of the opinion that the effect of the outbreak of war has been to terminate, and not merely to suspend, the Treaty of Navigation of the 30th April, 1868. It does not, however, appear to be necessary to make any special reference to the point when communicating with the Canadian Government, in view of the action which they have already taken. I am accordingly to enclose for Sir E. Grey's approval an amended draft despatch\* to the Governor-General in substitution for that enclosed in the letter under reference.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

37540

No. 166.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 1st October, 1914.)

SIR,

Foreign Office, 30th September, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter, 32878/1914, of 8th September,† respecting the coasting trade of Canada.

I am to inform you, in reply, that Sir E. Grey concurs in the terms of the amended draft despatch to the Governor-General of Canada which you therein transmitted.

I am, &c.,

A. LAW.

32878

No. 167.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 773.)

SIR,

Downing Street, 7th October, 1914.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's despatch No. 489 of the 21st August,‡ transmitting a copy of a revised Order in Council on the subject of the coasting trade of Canada.

2. His Majesty's Government have noted with satisfaction that your Ministers have decided to admit Danish ships to the trade in question.

3. I take this opportunity to request you to inform your Ministers that His Majesty's Government have given further consideration to the question of the inclusion of the coasting trade in general stipulations in regard to commerce and navigation in commercial treaties.

4. In his despatch No. 728, of the 3rd December, 1908,§ the Marquess of Crewe informed your predecessor that His Majesty's Government had adopted the view that the coasting trade was not included in general stipulations regarding commerce and navigation, but that it must be actually specified in a treaty, or the wording of the stipulations must be so clear and definite that the inclusion of the trade was obviously intended.

5. His Majesty's Government have, however, now come to the conclusion that no such general principle as that laid down in Lord Crewe's despatch can safely be adopted. Each treaty must, therefore, be examined on its own merits, with a view to seeing whether the general provisions should or should not be limited in any respect, having regard to the other terms of the treaty.

\* See No. 167.

† No. 165.

‡ No. 164.

§ No. 36 in Dominions No. 7.



6. All existing treaties which are applicable to Canada have accordingly been examined from this point of view. As the result of this examination His Majesty's Government are of the opinion that, in addition to Japan, Liberia and Muscat are entitled to participate in the Canadian coasting trade on the most-favoured-nation footing, but as neither Liberian nor Muscat ships are likely to engage in the coasting trade of Canada, it would appear that it is not necessary for your Ministers to take any action in the matter.

I have, &c.,

L. HARCOURT.

37540

No. 168.

COLONIAL OFFICE to BOARD OF TRADE.

SIR,

Downing Street, 9th October, 1914.

WITH reference to your letter to the Foreign Office of the 17th April last,\* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Board of Trade, copies of the correspondence† noted in the margin, relative to the Canadian Order in Council of the 16th December, 1913, respecting the coasting trade of Canada.

2. The Board will observe that a revised Order in Council has been issued admitting certain ships of Norway, Sweden, Denmark, and Japan to the Canadian coasting trade.

I am, &c.,

HENRY LAMBERT,

for the Under-Secretary of State.

#### RESOLUTION XIX.: COMMERCIAL TREATIES.

##### (b) SEPARATE VOTING OF THE DOMINIONS AT INTERNATIONAL CONFERENCES.

##### (i) Conference on Maritime Conventions.

15013

No. 169.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 24th April, 1914.)

(No. 78.)

SIR,

Government House, St. John's, 1st April, 1914.

REFERRING to your despatch No. 354, of the 19th December last,‡ on the subject of the draft International Conventions for the unification of maritime law with regard to the limitation of shipowners' liability and maritime mortgages and liens, I have the honour to state that my Ministers have no objections to offer to the draft Conventions, nor do they desire to suggest any alteration. When the terms of the Conventions are finally settled they will be prepared to consider the advisability of acceding to the same.

My Ministers are satisfied, so far as the interests of this Colony are concerned, to leave them with the representatives of the Imperial Government, and they do not therefore desire to be directly represented at the next Conference.

I have, &c.,

W. H. HORWOOD.

\* Enclosure 2 in No. 159. † Nos. 159-162, and 164-7. ‡ No. 488 in Dominions No. 45.

15433

No. 170.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 28th April, 1914.)

(No. 209.)

SIR,

Governor-General's Office, Cape Town, 11th April, 1914.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 570, of the 19th December, 1913,\* copy of a minute from Ministers on the subject of the Maritime Conventions relating to limitation of shipowners' liability and maritime mortgages and liens.

I have, &c.,

GLADSTONE,

Governor-General.

Enclosure in No. 170.

(Minute No. 278.)

Prime Minister's Office, Cape Town, 7th April, 1914.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's minute No. 2/621, of the 12th January, 1914, transmitting copy of despatch from the Right Honourable the Secretary of State for the Colonies, dated the 19th December, 1913, on the subject of the draft International Conventions for the unification of maritime law with regard to the limitation of shipowners' liability and maritime mortgages and liens.

2. Ministers regret that, in view of the provisions of Section 4 of Act No. 8 of 1879 of the Cape of Good Hope, and Section 8 (1) of the Maritime Conventions Act of 1911 of the Imperial Parliament, it is not possible for the Union Government at present to express concurrence with the provisions of the said draft Conventions, as it would be necessary to pass special legislation to enable the provisions embodied in the conventions to be enforced by the courts of the Union.

3. Under the circumstances Ministers have the honour to suggest that, as far as the Union of South Africa is concerned, the Imperial Government, as a contracting Power under the said draft Conventions, should exercise its right, under Clause 18 of the one Convention and Clause 19 of the other Convention, of not applying the Conventions to the Union.

4. If and when it is possible to pass through necessary legislation in the Union Parliament special notification could be addressed by the Imperial Government to the Belgian Government.

5. Subject to the above, Ministers have the honour to state that there is nothing in the articles of the Conventions as to which the Union Government would require any modification.

J. C. SMUTS.

23441

No. 171.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 29th June, 1914.)

[Copy to Foreign Office and Board of Trade, 15th July, 1914. L.F.]

(No. 96.)

SIR,

Government House, Wellington, 22nd May, 1914.

I HAVE the honour to acknowledge the receipt of your despatch No. 497, of the 19th December last,\* requesting me to inform my Ministers that the draft International Conventions (copies of which were enclosed in your despatch) for the

\* No. 488 in Dominions No. 45.



unification of maritime law with regard to the limitation of shipowners' liability and maritime mortgages and liens were considered by a Sub-Commission of the International Conference at Brussels, and that, as a result, the text of the Conventions has been further revised for consideration at another International Conference which will probably meet this year.

2. The subject has received the consideration of my Ministers, who have forwarded to me a copy of the opinion of the Solicitor-General of this Dominion on the matter. I enclose a copy of the opinion. Acting on the Solicitor-General's advice, the Prime Minister requests me to inform you that the Government concur in the draft Conventions and also that it is not, in their opinion, necessary for the Dominion to be represented at the International Conference.

I have, &c.,

LIVERPOOL,

Governor.

Enclosure in No. 171.

OPINION OF THE SOLICITOR-GENERAL RELATIVE TO THE ALTERATIONS IN THE DRAFT CONVENTIONS FOR THE UNIFICATION OF MARITIME LAW.

THE SECRETARY OF MARINE,

THESE draft Conventions contain nothing to which the New Zealand Government need take exception. They have no bearing on the various points on which Colonial shipping legislation has diverged from that of Great Britain. If New Zealand subsequently decides to adhere to these Conventions legislation will be necessary to carry them into effect.

Such legislation, however, should await the passing of similar legislation in England, and conform thereto. This course was adopted in 1912 with respect to the similar Convention as to liability for collision.

With respect to the despatch from the Secretary of State for the Colonies to His Excellency the Governor dated the 19th December, 1913, relative to these Conventions, His Excellency should be advised to inform the Secretary of State by cable that His Ministers concur in the draft Conventions and do not suggest any alterations; also that the New Zealand Government does not desire representation at the International Conference.

JOHN W. SALMOND,

Solicitor-General.

Crown Law Office,  
21st May, 1914.

SECRETARIAT NOTE.—Australia had not replied, by the end of 1914, to the Secretary of State's despatch No. 354, of 19th December, 1913 (No. 488 in Dominions No. 45). Canada was informed, in reply to an inquiry,† that His Majesty's Government did not consider that any useful purpose would be served by proceeding with the consideration of the draft Conventions.

(ii) Conference for the purpose of drawing up Conventions for the Protection of Female and Juvenile Labour.

1518

No. 172.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th January, 1914.)

[Copy to Foreign Office, 22nd January, 1914.]

(No. 903.)

SIR, Governor-General's Office, Pretoria, 23rd December, 1913.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 489 of the 14th November,\* a copy of Minute No. 1188 from Ministers,

\* No. 521 in Dominions No. 45.

† 41239/14: not printed.

dated 19th December, on the subject of an International Conference proposed to be held for the purpose of drawing up conventions relating to the prohibition of night work by young workers and the limitation of the hours of work of women and young workers.

I have, &c.,

GLADSTONE,  
Governor-General.

Enclosure in No. 172.

(1188.)

Prime Minister's Office, Pretoria, 19th December, 1913.

WITH reference to His Excellency the Governor-General's Minute No. 33/457 of the 8th instant, with which was forwarded a copy of a despatch having reference to a proposed International Conference for the purpose of drawing up conventions for the prohibition of night work by young workers and for the limitation of the hours of work of women and young workers, Ministers have the honour to say that, if possible, arrangements will be made for an officer of the Department of Mines and Industries to represent the Government of the Union at the International Conference contemplated.

LOUIS BOTHA.

5703

No. 173.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th February, 1914.)

[Copy to Foreign Office, 19th February, 1914. L.F.]

(No. 2.)

SIR, Governor-General's Office, Melbourne, 8th January, 1914.

REFERRING to your despatch No. 700, dated 14th November, 1913,\* on the subject of the holding of an International Conference for the purpose of drawing up Conventions relating to the prohibition of night work by young workers and for the limitation of the hours of work of women and young workers, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government would appreciate an opportunity of being represented at the Conference.

I have, &c.,

DENMAN,

Governor-General.

8694

No. 174.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9th March, 1914.)

[Copy to Foreign Office, 14th March, 1914. L.F.]

(No. 28.)

SIR, Government House, St. John's, 17th February, 1914.

REFERRING to your despatch No. 319, of the 14th November last,\* on the subject of hours of work for young people and for women, I have the honour to inform you that my Ministers do not desire direct representation at the International Conference on this subject which it is proposed to hold.

\* No. 521 in Dominions No. 45.



The Department of Justice advises that there is no limit of age fixed by law or custom in this Colony in respect of young people working. So far as Newfoundland is concerned, there does not seem to be any necessity at present for legislation on this matter, but it is a question that is important, and if the necessity arises legislation will have to be introduced.

Just now there is no particular point which Ministers desire to be raised in this connexion.

I have, &c.,  
W. E. DAVIDSON.

9305

No. 175.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Copy to Foreign Office, 24th March, 1914. L.F.]

(Canada. No. 208.)

(Australia. No. 164.)

(Union of South Africa. No. 131.)

(New Zealand. No. 121.)

[SIR,] [MY LORD,]

Downing Street, 20th March, 1914.

WITH reference to

[my despatch No. 54, of the 22nd January,\*]

[Your Excellency's despatch No. 2, of the 8th January,†]

[Your Excellency's despatch No. 903, of the 23rd December last,‡]

[my despatch No. 54, of the 22nd January,\*]

I have the honour to request [Your Royal Highness] [you] [Your Excellency] to inform your Ministers that, His Majesty's Government having announced their intention of sending delegates to the International Conference for the Protection of Juvenile and Female Labour which is to meet at Berne on the 3rd September next, the Swiss Government have extended the invitation to be represented at this Conference to the Governments of the self-governing Dominions.

2. I shall be glad to learn in due course the names of the delegates whom your Government may select to represent them on this occasion.

I have, &c.,  
L. HARCOURT.

13212

No. 176.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 11th April, 1914.)

(No. 32.)

SIR,

Government House, Wellington, 4th March, 1914.

I HAVE the honour to acknowledge receipt of your despatch No. 432, of the 31st October last,§ on the subject of two International Conventions for the prohibition of night work by young workers and for the limitation of the hours of work of women and young workers.

2. With reference to the inquiry made in the concluding paragraph of your despatch, relative to the proposal that an International Conference should be held for the purpose of drawing up the two Conventions, my Prime Minister states that the New Zealand Factories Act|| (a copy of which is enclosed), Section 19, already provides against night work and also for the limitation of hours of work for women and young persons employed in factories. If, however, a representative of His Majesty's Government is to be present at the Conference, in the event of such a Conference being held, my Government would be pleased if he would be good enough to represent New Zealand also.

I have, &c.,  
LIVERPOOL,  
Governor.

\* 1712: not printed. † No. 173. ‡ No. 172. § No. 520 in Dominions No. 45.

|| Not reprinted.

17287

No. 177.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 12th May, 1914.)

[Copy to Foreign Office, 15th May, 1914. L.F.]

(No. 241.)

SIR,

Governor-General's Office, Cape Town, 25th April, 1914.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 131 of the 20th March,\* copy of a minute from Ministers on the subject of the International Conference for the Protection of Juvenile and Female Labour.

I have, &c.,

GLADSTONE,  
Governor-General.

Enclosure in No. 177.

(317.)

Prime Minister's Office, Cape Town, 24th April, 1914.

WITH reference to the minute of His Excellency the Governor-General No. 33/510, of the 9th April, 1914, Ministers have the honour to inform His Excellency that it is not proposed to send a delegate to the Conference, to be held at Berne on the 3rd September next, for the protection of juvenile and female labour.

LOUIS BOTHA.

26327

No. 178.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th July, 1914.)

(No. 188.)

SIR,

Melbourne, 16th June, 1914.

REFERRING to your despatch No. 164, dated the 20th March last,\* on the subject of the International Conference for the Protection of Juvenile and Female Labour, to be held at Berne on the 3rd September next, I have the honour to inform you that the Commonwealth delegate at the Conference will be Dr. Ernst-Carroll, the representative of this Government at Neuchatel, Switzerland.

I have, &c.,

R. M. FERGUSON,  
Governor-General.

28419

No. 179.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 1st August, 1914.)

[Copy to Foreign Office, 10th August, 1914. L.F.]

(No. 102.)

SIR,

Wellington, 15th June, 1914.

WITH reference to your despatch No. 121, of the 20th March,\* conveying an invitation to my Government to be represented at the International Conference for the Protection of Juvenile and Female Labour, which is to meet at Berne on the 3rd

\* No. 175.



## RESOLUTION XIX.: COMMERCIAL TREATIES (b): SEPARATE VOTING OF THE DOMINIONS.

September next, I have the honour to inform you that, in a minute addressed to me by my Ministers, it is stated "that, as the New Zealand Factories Act and other industrial laws afford adequate protection to juvenile and female labour engaged in factories and elsewhere, it does not appear necessary for the New Zealand Government to be represented at the proposed Conference on the subject. The Government will, however, be pleased to receive a report of the Conference when the same may be available."

I have, &c.,

LIVERPOOL,  
Governor.

32499

No. 180.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 p.m., 26th August, 1914.)

TELEGRAM.

[Copy to Foreign Office, 29th August, 1914. L.F.]

26TH AUGUST. Your despatch 20th March, No. 208\*; Conference Protection of Female and Juvenile Labour, Berne. Government of Canada, while desiring to thank Government of Switzerland for their courtesy, do not consider it desirable to take part in Conference.—ARTHUR.

SECRETARIAT NOTE.—The proposed Conference was subsequently adjourned, in view of the political situation.

\* No. 175.

## RESOLUTION XXI.: MAIL COMMUNICATION.

That in the interests of the Empire it is desirable that Great Britain should be connected with Canada and New Zealand by the best mail service available.

19004

No. 181.

THE CHAIRMAN, DOMINIONS ROYAL COMMISSION, to  
THE SECRETARY OF STATE.

(Received 2.50 p.m., 5th June, 1913.)

TELEGRAM.

[Copy to General Post Office, 9th June, 1913. L.F.]

[Answered by No. 183.]

[s.s. "Ventura," Suva.]

HOPE that no renewal subsidy Australian mails will be completed on lines of present contract till I have had opportunity of placing views before Postmaster-General.—VINCENT.

40905

No. 182.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 27th November, 1913.)

[Answered by No. 185.]

SIR,

General Post Office, London, 26th November, 1913.

WITH reference to the letter from this Office of the 7th of March, 1913,\* on the subject of the extension for one year of the contract with the Peninsular and Oriental Steam Navigation Company for the Eastern Mail Service, I am now directed by the Postmaster-General to send you herewith, for the information of the Secretary of State for the Colonies, a copy of a letter which was sent to the India Office on the 22nd of this month concerning the arrangements to be made for the Eastern Mail Service after the determination of the extended contract.

The Postmaster-General will be glad to learn whether Mr. Secretary Harcourt concurs in the course of action proposed, and whether he is of opinion that it would be desirable for the Commonwealth of Australia and the Dominion of New Zealand to be represented at the discussion of the forms of tender.

I am, &amp;c.,

E. CRABB.

Enclosure in No. 182.

SIR,

General Post Office, London, 22nd November, 1913.

I AM directed by the Postmaster-General to acknowledge the receipt of your letter of the 24th of last month, concerning the arrangements to be made for the continuation of the India mail service after the determination of the present contract with the Peninsular and Oriental Steam Navigation Company.

So far as the requirements of this country are concerned there appears to be little, if any, demand for a bi-weekly service to India; and the Postmaster-General thinks that the increase in the volume of the outward mails is not such as to justify him in recommending to the Treasury that the United Kingdom should bear any part of the heavy increase which will, without doubt, be involved in the institution of a second service. He is not at present in a position to estimate what the cost of such a service would be, but he suggests, subject to the concurrence of the Secretary of State for India in Council, and that of the Secretary of State



for the Colonies, that tenders should be invited for an additional service from Europe to Karachi, with the alternative of a branch service from Aden to Karachi connecting with a service from a port in Europe or from Port Said. This would, in the Postmaster-General's opinion, be the best means of ascertaining what is regarded in the open market as the cost of the service and whether there would be effective competition against the present contractors.

The Postmaster-General is of opinion that the chances of effective competition will be much reduced if there is not an interval of about two years between the return of tenders and the commencement of the new service, as that is the least time in which it would be possible to build suitable steamers to compete with the Peninsular and Oriental Steam Navigation Company.

The Postmaster-General is of opinion that, so far as the United Kingdom is concerned, it would be advantageous to prolong the contract under present conditions, provided the Peninsular and Oriental Company were prepared to agree to this course; but as the interests of other administrations might be adversely affected, he proposes to invite tenders, either simultaneously with the notice of determination of the present agreement or as soon after as possible. With this end in view tender forms are in preparation embodying the requirements of this Office, and, so far as is known, those of the other administrations concerned. When these are completed the Secretary of State for India will be requested to nominate representatives of the India Office, who, in conjunction with representatives of the Colonial Office and this Department, will consider the tender in its final form before issue.

I am, &c.,  
A. F. KING.

The Under-Secretary of State,  
India Office.

40905

No. 183.

COLONIAL OFFICE to THE DOMINIONS ROYAL COMMISSION.

[Answered by No. 184.]

SIR,

Downing Street, 11th December, 1913.

I AM directed by Mr. Secretary Harcourt to refer to the telegram from the Chairman of the Dominions Royal Commission of the 5th June last,\* in which he expressed the hope that no renewal of the subsidy for the Australian mails would be completed on the lines of the present contract until he had an opportunity of placing his views before the Postmaster-General.

2. I am accordingly to transmit to you, to be laid before the Royal Commissioners, a copy of a letter† from the General Post Office, on the subject of the arrangements to be made for the continuation of the Eastern Mail Service after the determination of the present contract with the Peninsular and Oriental Steam Navigation Company.

3. Mr. Harcourt would be glad to learn what representations the Royal Commissioners wish to make on the subject.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

804

No. 184.

THE DOMINIONS ROYAL COMMISSION to COLONIAL OFFICE.

(Received 7th January, 1914.)

Dominions Royal Commission, Scotland House,

SIR, Victoria Embankment, London, S.W., 6th January, 1914.

I AM directed by the Chairman of the Dominions Royal Commission to acknowledge the receipt of your letter of 11th December.‡

\* No. 181. † No. 182. ‡ No. 183.

The Commission's general view with regard to the question of the Australasian mails may be summarized thus:—

(1.) That with new possibilities opening up for transport of the mails, and in view of the advantages possessed by the alternative routes, notably the Cape of Good Hope, the Panama Canal, and the Canadian route, it would be unjustifiable to bind the State for any prolonged period to a new contract for conveyance of the Australasian mails by the existing Brindisi and Suez Canal route.

(2.) That any semi-automatic renewal of the present contract, with perhaps slight improvement of speed and conditions and slight decrease in cost, would be inadequate as a solution of a problem which needs to be handled on broader lines and with full consideration of all variants and alternatives.

(3.) That postal convenience is not, or should not be, the sole consideration, and that, even if it were, it is not proved that equal postal facilities could not be obtained by other methods at less cost than by the present method of subsidy.

(4.) That there is grave reason to doubt the reality of competition under the present arrangements, and that the continuance of a quasi-monopoly, and the concentration of mail subsidy and mail payments on a privileged line for a long period, is probably injurious to the development of shipping, removing, as it does, what might be a great incentive to the construction of faster and better ships for conveyance of the mails by other lines.

(5.) That no contract for carriage of the Australasian mails by subsidized lines can be satisfactory which does not provide for very considerable increase of speed. If acceleration cannot be secured at reasonable cost it would be a matter for consideration whether it would not be better to dispense with the contract altogether and to send the mails at statutory rates, thus releasing a considerable sum for improvement of Imperial communications in some other direction.

(6.) That if a subsidized system is adopted it is desirable, in order to secure something like competition, and, at the same time, to fit in with the present arrangements with the Orient Steam Navigation Company, to divide the contract into sections—each section to provide sailings every four weeks, or every six weeks as an alternative to every fortnight. Tenders would not then be confined to those companies alone who possess very large fleets and who can offer twenty-six sailings a year.

I am to add that these considerations refer only to the mails between the United Kingdom and Australasia. No evidence has been taken and no inquiry made with respect to the mails to India.

I have, &c.,  
E. J. HARDING.

804

No. 185.

COLONIAL OFFICE to GENERAL POST OFFICE AND BOARD OF TRADE.

[Answered by Nos. 186 and 190.]

SIR,

Downing Street, 20th January, 1914.

[To General Post Office only:—With reference to your letter of the 26th of November last,\*] I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [the Postmaster-General,] [the Board of Trade,] the accompanying copy of a letter† from the Dominions Royal Commission on the subject of the Australasian Mail Service.

2. Mr. Harcourt will be glad to receive any observations which [the Postmaster-General] [the Board of Trade] may have to make upon the matter.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

\* No. 182.

† No. 184.



5325

No. 186.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 12th February, 1914.)

Board of Trade (Marine Department), 7, Whitehall Gardens,

London, S.W., 11th February, 1914.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of your letter of 20th January,\* forwarding copy of a letter from the Dominions Royal Commission on the subject of the Australasian Mail Service.

In reply I am to state, for Mr. Secretary Harcourt's information, that the matter appears to the Board of Trade to be primarily one for the Postmaster-General. If, after Mr. Samuel's views have been ascertained, it should be considered desirable to discuss the question of introducing into the contracts with ship-owners for the carriage of mails conditions and stipulations other than those relating to such carriage, the Board will be glad to have an opportunity of going further into the matter.

I am to request that the Board may be furnished in due course with a copy of any communication received from the Post Office.

I have, &amp;c.,

ERNEST J. MOGGRIDGE.

5325

No. 187.

COLONIAL OFFICE to GENERAL POST OFFICE.

[Answered by No. 190.]

SIR,

Downing Street, 19th February, 1914.

WITH reference to the letter from this Department of the 20th ultimo,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Postmaster-General, a copy of a letter† from the Board of Trade on the subject of the Australasian Mail Service.

2. I am to observe that since the Colonial Office letter referred to above was written the views of the Dominions Royal Commission, a summary of which was communicated in that letter, have been embodied in their Second Interim Report [Cd. 7210].

3. Mr. Harcourt will be glad to receive the observations of the Postmaster-General on the subject as soon as convenient.

I am, &amp;c.,

HENRY LAMBERT,

for the Under-Secretary of State.

11158

No. 188.

GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 26th March, 1914.)

[Answered by No. 189.]

SIR,

General Post Office, London, 25th March, 1914.

I AM directed by the Postmaster-General to forward, for the information of the Secretary of State for the Colonies, the annexed copy of a letter concerning a further extension for twelve months of the present contract for the Eastern and Australian Mail Service which has been sent to the Treasury.

I am, &amp;c.,

E. CRABB.

\* No. 185.

† No. 186.

Enclosure in No. 188.

SIR,

General Post Office, London, 20th March, 1914.

WITH reference to the letter from this Office of the 28th of February, 1913, advising the Lords Commissioners of the Treasury of the extension for twelve months of the present contract for the performance of the Eastern and Australian Mail Service, and to the Treasury letter sent in reply on the 2nd of April last, I am directed to acquaint you, for the information of their lordships, that the Postmaster-General has had under consideration the preparation of forms of tender embodying the requirements of this Department and of the other Administrations concerned, with the view to advertise publicly at an early date for a new service.

The India Office, which had been in communication with the Government of India on the subject, recently suggested certain conditions as to speed and frequency which it is desired to see inserted in the forms of tender, and Mr. Hobhouse fears that the incorporation of these modifications, and the discussion which will be necessary between the various Departments concerned before the form of tender can be finally settled, will make it impracticable to issue the tender forms so soon as he could have hoped. He holds strongly the view that, if effective competition is to be encouraged, it is essential that there should be an interval of at least two years between the call for tenders and the starting of the new service in order that ship-owners may, if necessary, be in a position to construct new steamers.

In these circumstances it seemed very desirable to arrange, if possible, for the present contract to be extended for a longer period than the twelve months originally contemplated; and, after an exchange of views with the Secretary of State for India in Council, Mr. Hobhouse decided to endeavour, by negotiation with the Peninsular and Oriental Steam Navigation Company, to arrange a suitable extension.

Accordingly Sir Thomas Sutherland, Chairman of the Board of Directors of the Company, was invited to call at this Office on the 28th of January last, with the object of discussing the question which had arisen.

It appeared to the Postmaster-General that an extension of the contract for a period of six months would afford sufficient time for the purpose of preparing the tender forms, and negotiations were opened on this basis.

Sir Thomas Sutherland, however, stated that he was unable to agree to this proposal without first consulting his Board of Directors, but that a twelve months' extension of the agreement would be in accordance with precedent, and if that period were acceptable to the Post Office he could commit the Peninsular and Oriental Company to the undertaking without the formality of submitting it to the Directors.

In these circumstances, and after consultation with the India Office, who in turn had communicated with the Government of India, the Postmaster-General considered that the best course was to arrange for an extension of twelve months, and has informed the Peninsular and Oriental Company accordingly.

Notice will therefore be given on the 31st of January next year with a view to the determination of the present contract on the 31st of January, 1917.

As their lordships are aware, the value of the service, measured at Postal Union rates, is in excess of the subsidy now paid, and it seems improbable that a new service will be provided upon terms more or even perhaps so advantageous as at present.

The Postmaster-General will be glad to receive their lordships' covering sanction for the further extension of the present contract indicated above.

I am, &amp;c.,

E. CRABB.

The Secretary,  
Treasury.



11158

No. 189.

## COLONIAL OFFICE to GENERAL POST OFFICE.

[Answered by No. 190.]

SIR, Downing Street, 31st March, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 25th ultimo,\* forwarding a copy of a letter to the Treasury regarding the extension for twelve months of the present contract for the Eastern and Australasian Mail Service.

2. I am to refer in this connexion to the letters from this Department of the 20th January and 19th February,† and to state that Mr. Harcourt would be glad to learn when he may expect to receive the observations of the Postmaster-General on the views expressed by the Dominions Royal Commission in regard to the Australasian Mail Service.

I am, &c.,  
HENRY LAMBERT.

12298

No. 190.

## GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 4th April, 1914.)

[Copy to Dominions Royal Commission and Board of Trade, 18th April, 1914. L.F.]

SIR, General Post Office, London, 3rd April, 1914.

I AM directed by the Postmaster-General to refer to your letter No. 804/1914, of the 20th of January last,‡ enclosing a copy of a letter from the Dominions Royal Commission, dated the 6th of January last, and to your further letter No. 5325/1914, of the 19th of February last,§ enclosing a copy of a letter from the Marine Department of the Board of Trade, dated the 11th of February last, on the subject of the Australasian Mail Service. Since your letter was received the Second Interim Report|| of the Commission has been issued; and in furnishing, for the information of Mr. Secretary Harcourt, the following observations upon the general views of the Dominions Royal Commission on the subject, the Postmaster-General has taken into account the reasons given in the Commissioners' report for the conclusions which were summarized in the enclosure to your letter:—

(1) The Commission holds it to be unjustifiable to bind the State for any prolonged period to a new contract for conveyance of the Australasian mails by the existing Brindisi and Suez route, in view of the advantages possessed by other routes, and with new possibilities opening up for the transport of mails.

The Postmaster-General has carefully reconsidered the advantages of all the alternative routes on the basis of the comparison instituted between them by the Commission in its Second Interim Report. He notes that the Commission is much impressed by the small difference in distance, and consequently the small difference in time, between each and all of these routes, the three to which it most inclines being the Cape of Good Hope, the Panama Canal, and the trans-Canadian routes. But the figures given show clearly that, even assuming a service on these routes as fast as the existing service via France, Italy, and the Suez Canal, an additional six days are taken by the Cape route, eight to nine days by the Panama route, and four days by the trans-Canadian route. The merits of the Panama route for mails need hardly be considered, since its lengthy transit and absence of coaling facilities for vessels of high speed so clearly disqualify it. A service by the Cape route likewise could not reasonably be expected to compete with one by Brindisi and Suez; the voyage is two thousand miles longer, and there are at present no vessels on the route (apart from the "Ceramic") averaging more than thirteen-and-a-half knots, as opposed to the average speed of over fifteen knots required by the contract. It appears, indeed, that the Commission is only led into a consideration of these alternatives by the disfavour with which it regards the overland transit

which the present route involves, but to which is largely due the advantage in point of time it possesses over all others. Yet in its report the Commission lays great stress upon the value of speed, and shows itself strongly in favour of purchasing acceleration at anything less than a prohibitive price. The Postmaster-General is glad to be able to endorse this view of the value of speed, but that is in itself a reason why he finds it impossible to accept the Commission's further contention that an additional delay of four or seven or nine days is negligible, when, as it seems to him, no other sufficient ground, either financial or political, is given for making any change of route at all. The Suez route is admitted to be expensive because of the additional cost of the overland transmission; but the expense has always been held to be justified by the very considerable acceleration it secures. Assuming that the present call at Marseilles were maintained for the purpose of embarking passengers, at least six days would be lost were the mails sent by the long sea route round Gibraltar.

Only one of the alternative routes examined by the Commission has claims that need further consideration, the rest involve a far greater loss of time than can be contemplated—that is the trans-Canadian route. As the Commission points out, the Atlantic section of this route would have the advantage of the already existing services of eighteen knots and over, with a good train service over the second portion, though there is no reason to suppose that the Commission's suggested forty miles an hour could be maintained on this service, which at present runs at an average speed well under thirty miles an hour. But even by this route (with a service of eighteen knots across the Atlantic and the present trans-Canadian train service) it would only be possible to obtain a service to Australia as quick as the present service via Suez by the employment of vessels of eighteen knots between Vancouver and Sydney. The probable cost of such a service is indicated by the offer of Sir Thomas Troubridge to institute such a service at intervals of a fortnight in return for an annual subsidy of £450,000, a figure which is obviously out of all proportion to the postal facilities offered, particularly as a fortnightly service would only be of use for the carriage of one half of the mails, and the other half would have to be sent in alternate weeks, presumably by some other route. It is clear, then, that the adoption of the trans-Canadian route would either involve a vast increase in expense or the delay of at least half a week (for under present conditions a service of more than fourteen knots on the Pacific portion of the route could not be obtained). The remaining alternative routes offer no advantage save that of cheapness, and the Postmaster-General is opposed to the purchase of economy at the price of so considerable a loss of speed.

In fact, under no circumstances could the Postmaster-General contemplate a revision of the mail services which would involve the deliberate selection of a route which substantially increased the time of transit of the mails, when speedier routes were available; and it is obvious that public opinion would not tolerate any such policy.

(2) The Commission goes on to condemn the policy of renewing the present contract "semi-automatically," with perhaps slight improvement of speed and conditions and slight decrease in cost, as an inadequate solution of a problem which, they state, needs to be handled "on broader lines," and with full consideration of all variants and alternatives.

The problem, in the Postmaster-General's opinion, is to secure a speedy and regular mail service at as low a cost as possible to the taxpayer. This problem has, in his opinion, been satisfactorily solved on the lines which have hitherto been followed by the Post Office; and, after a careful examination of the Commission's report, he finds some difficulty in understanding on what "broader lines" the Commission desires that the problem of the Australasian Mail Service should be handled. When the present contract comes up for renewal he has every intention of following the course hitherto adopted, that is to say, considering it in all its aspects and giving full and detailed consideration to any alternative policy which may be suggested.

It may be pertinent here to remark that, because of their superior speed, a very large proportion of the correspondence from the whole of the continent of Europe to Australia is conveyed by British contract packets; but it seems fair to assume that to divert the service from a route which enables it to maintain its superiority

\* No. 188. † Nos. 185 and 187. ‡ No. 185. § No. 187. || [Cd. 7210.]



of transit-speed would automatically lead foreign correspondence into other and more speedy channels. This course would not only strike a heavy blow to the prestige of British shipping and commercial interests, but would deprive the Exchequer of a very considerable revenue in respect of the conveyance of foreign mails.

(3) The Commission demands that postal convenience shall not be the sole consideration. As the Commission was informed, all other Government Departments concerned are invariably consulted by the Postmaster-General when a contract with a shipping company is being negotiated; but, while it is not unusual for the contracts he makes to contain various provisions on other than postal matters, he is of opinion that mail contracts should contain provisions relating only to those facilities which are paid for out of the Post Office vote, and any other requirements should be the subjects of separate agreements. It is the experience of this Department that the subsidy paid by the Post Office is becoming a matter of less and less importance to the large steamship companies, and that any attempt to use the concession of a mail contract in order to secure non-postal facilities is likely to meet with little success, while confusing and cumbering the negotiations.

(5) But the Commission doubts whether even postal convenience could not be served equally well by other methods at less cost than by the present method of subsidy. This point is referred to in connexion with the Commission's fifth criticism of the present arrangements, with which it is, in fact, identical, viz., that no contract for carriage of the Australasian mails by subsidized lines can be satisfactory which does not provide for very considerable increase of speed. If acceleration cannot be secured at reasonable cost the Commission inquires whether it would not be better to dispense with the contract altogether, and to send the mails at statutory rates, thus releasing a considerable sum for improvement of Imperial communications in some other direction.

The Postmaster-General observes that the Commission is unable to recommend any specific means of acceleration, owing to the prohibitive cost. This being so, the condemnation in the report of the present service as inadequate, apparently by reason of its lack of speed as compared with mail services by other (notably the Atlantic) routes, is to some extent to be discounted as not being substantiated by the facts given in the Commission's report itself.

The Commission seems to recognize that in the first place any considerable increase in speed is only likely to be attained where it may be expected to lead to a large additional passenger revenue or a large additional Government subsidy; and secondly, that such high speed is only economically possible with vessels of great length and corresponding draught, and that deep draught requires a greater depth of water than is available either in the Suez Canal or in the harbours of Australia. The recommendations of the Commission in this direction are therefore confined to urging the immediate deepening of the Suez Canal, if selected as the best route to Australia. The Commission assumes that its deepening would, in fact, lead to the construction of larger and faster steamers. But it is by no means certain that an increase in the size of vessels employed on the Australian route would under any circumstances be justified by the amount of trade on the route. During the slack season the present vessels are said to utilize only a small part of their passenger accommodation, and it is only recently that the volume of traffic has come up at all to the tonnage available.

According to statements which have recently appeared in the public Press, the demand for fast services on the Australian route is so small that, in spite of a yearly subvention of £95,000, the North German Lloyd has incurred an annual loss of £40,000 on its mail service to Australia, and even so has not been able to compete successfully with the faster service provided by the Peninsular and Oriental and the Orient lines. Rather than increase the mail subsidy the German Government has preferred to discontinue altogether the payment of a subsidy, with the result that the North German Lloyd is understood to be contemplating the discontinuance of their fast service on the Australian route. These events afford an additional indication that the amount of trade on the Australian route is not sufficient by itself, and without the inducement of a considerable subsidy, to justify the employment throughout the year of vessels even as fast as the present contract packets.

The speed of the mail packets employed on the Australian service is at present substantially greater than the speed of other vessels running between this country and Australia, with the exception of one steamer (the "Ceramic"), so that the result of despatching all mails by the fastest vessel available at statutory rates would be, on the average, to increase materially the course of post to and from Australia. But, even if no higher speed were obtained, the Postmaster-General cannot admit that the payment of a subsidy in excess of the actual payment for conveyance could not be justified.

In his view it is a matter of the greatest commercial importance that regular sailings and arrivals on fixed dates should be provided for, since without such guarantees a regular mail service is impossible. The only means of securing this is by a controlled service. Trial has been made in the past of the alternative system which the Commission recommends. In 1877 the American Mail Service, and in 1905 the West Indian Service, were thrown open to the fastest ships offering, payment to be made at the statutory rate of 1d. per article. Both experiments were, however, of short duration, owing to their unpopularity, not only with the steamship companies, who disliked the uncertainties of the system, but also with the general public, who preferred a regular service on which they could absolutely rely.

The Commission does not appear to realize exactly the functions which a contract service fulfils. A subsidy is not merely the payment of a lump sum down, calculated to be the equivalent of the sums which would otherwise have been paid at ship-letter rates for the conveyance of the mails in question. It has the further object of furnishing an inducement to the shipping company to maintain throughout the year a regular service of mail boats at a fixed speed, and it must be remembered that to the contractor the actual quantity of the mails to be carried within fairly wide limits is of relatively small importance compared with the obligation to maintain a regular and unvarying service. The Commission apparently holds that regularity is not worth any extra payment, either because it is of no value or because it could equally be obtained without. The Postmaster-General, however, is satisfied that in a service where the passenger and freight traffic—a more important consideration for the companies—fluctuate considerably at different seasons, a regular mail service can only be secured by a direct payment for the purpose, a conclusion which is supported by the experience of the German Administration referred to above. Moreover, the payment covers also the company's responsibility for the mails and other minor charges, all of them requiring and meriting payment. It is certain that, if the Postmaster-General's statutory right to despatch ship-letter mails were depended on for the provision of a mail service, in the less busy seasons of the year not only would the fastest steamers be withdrawn, but the speed of the steamers left running would be reduced in order to effect economies in coal consumption, and considerable delay in the mail service would result. The itinerary, too, would be chosen without regard for postal convenience, and in every way the regularity and efficiency of the mail service would be impaired.

It is the view of the Commission that even the statutory rates work out at such a remunerative figure, as compared with the rates for ordinary freight, that the shipowners would deliberately sacrifice other ends to secure the prize of the mails. The figures given by the Commission, however, ignore an essential consideration. For letters and postcards the statutory rate works out a very high tonnage rate; but, as is clearly shown in the report of the Postmaster-General for 1912-13, page 47, to which the Commission refers on page 26 of the report, letters and postcards form a very small part—about one-eighth—of the mail. In point of fact it is estimated that, taking printed papers, commercial papers, etc., into account, the total rate for the carriage of the letter mails to Australia would be about £28 per ton. At these rates a little over £1,000 would be available for distribution among the various companies employed in conveying the average weekly mail to Australasia, and the prospect of securing a share of this sum on certain occasions during the year, but with no guarantee of permanence, would hardly be sufficient to induce the companies to maintain a service of fast vessels, at any rate during the less busy seasons.



The Commission, however, maintains that, although the change in system might involve a slight loss of regularity in the service, there would at least be no danger of an accompanying loss of speed. The ground given by the Commission for this contention appears to be that, apart from the contracting companies, there are so many companies with sea speeds approximating closely to the present contract requirements, that there would never be lack of competition for the mails. For the performance of the contract services to Australia an average sea speed of 15-16 knots is required, and the Commission points to the fact that there are fifteen steamers on the Australian route (other than those subsidized) all capable of averaging fourteen knots, and that one of these (the "Ceramic," of the White Star Line) is capable of fifteen-and-a-half knots, which is in excess of the average sea speed required of the subsidized mail boats. The general comparison, however, should clearly be between the average sea speeds actually attained, not between the contract rate of the mail steamers and the maximum sea speed of other steamers. A fair margin of reserve speed is absolutely necessary, not only to enable contract steamers to maintain an efficient and punctual mail service, but to enable them to be run with due economy in fuel consumption, and, above all, well within the limit of their maximum power. A steamer with a maximum speed which only coincided with the average speed required by the contract could not possibly maintain a regular service on the existing lines, and would have a very short life. In fact, outside the subsidized lines, whose vessels are capable of from seventeen to eighteen-and-a-half knots, the Australian route has not steamers capable of maximum speeds of more than twelve, thirteen, fourteen, or fifteen knots, and the fastest of these, those of the Aberdeen Line (fifteen knots), do not in reality average more than thirteen knots in their journey to the Cape.

It appears probable, therefore, that if the mail service were simply to rely on the fastest ships available from time to time, the present contract lines would retain the mails, though it is more than doubtful whether their services would show the speed and regularity they do at present. Indeed, to secure regularity of service by the best available vessels of the mercantile marine, some sort of guarantee of regular despatches of a specified bulk is absolutely necessary, and such an arrangement would be very little different in effect from the present system of contract and subsidies, except for the disadvantages above referred to.

(4) Although there is nominally open competition, it is the view of the Commission that the mail subsidy is, in fact, monopolized by a privileged line for a long period, and that this is injurious to the development of shipping, since it removes from other lines what might be a great incentive to construct faster and better ships.

(6) As its sixth recommendation the Commission suggests a possible way in which this by no means essential feature of the contract system might be removed without disturbing the system itself, viz., the division of the contract into sections, each to provide one sailing every four or six weeks, so as to give the smaller companies an opportunity to compete.

It is, of course, well known to the Secretary of State that the mail service to Australia has invariably been put up to public tender on the termination of each agreement. Experience has proved that the virtual monopoly enjoyed by the Peninsular and Oriental and the Orient Companies has been due to the fact that the amount available as remuneration for the service has not offered sufficient inducement for other companies to compete, since any other line would be under the necessity of acquiring a new fleet before it could provide as good a service, or, indeed, before it made up its mind to compete, as no company would be likely to build boats so expensive with the chance of having them left on its hands if the contract were not secured. The Postmaster-General thinks it unlikely that the chance of securing a portion of the mail service, and that without any guarantee of permanence, would induce any rival company to provide such an additional service, involving as it would the acquisition of a new fleet of steamships. The proportion of the subsidy allocated by this Office to the Australian section of the service at present maintained by the Peninsular and Oriental Steam Navigation Company is £78,400 a year; and on this basis a company performing a service once in every six weeks would only receive a remuneration of about £25,000 a year, or £3,000 per double voyage, hardly sufficient to justify the expense involved by the construction and maintenance of faster ships.

The Peninsular and Oriental Steam Navigation Company combines the whole of the Eastern Mail Service with that of Australia, and by an elaborate system of branch lines and connexions at various ports *en route* reduces the number of ships employed to a minimum. The combined service is an economical arrangement, and one which up to the present has been found to work satisfactorily, not only from the point of view of the United Kingdom, but also of the many British dependencies which are linked up with this important line of communication to Australia.

In fact, after considering the problem in all its aspects, the Postmaster-General finds himself unable to endorse the recommendations of the Commission. The present system he admits to be in effect a monopoly, but (while he is quite ready to take advantage of competition) he does not admit that it is therefore an extravagance. Its cost to the United Kingdom is substantially in excess of the cost of a service paid at the statutory rates; but speed, regularity, and general efficiency are secured by this extra payment, and Mr. Hobhouse does not consider that the price of these advantages is excessive. The alternative routes, whose claims the Commission presses, are all considerably longer than the existing mail route, and at present, at any rate, they are further handicapped for mail purposes by the much slower steamers which use them.

The case may, perhaps, be summarized by saying that a mail subsidy—as the term is now used by the Post Office—is a payment for regularity of service and for the actual conveyance of the mails, which require special handling and for which space must always be reserved. Subsidies are now so small an item in the budget of the ships employed that there is little or no prospect of a successful mail service by a route or at a speed different from the routes and speeds suitable for ordinary commerce.

However, Mr. Secretary Harcourt can rest assured that in any subsequent making or renewal of a contract for the conveyance of the Australasian mails the question will be handled in this Department will full consideration of all variants and alternatives.

I am, &c.,  
E. CRABB

12298

No. 191

## COLONIAL OFFICE to THE DOMINIONS ROYAL COMMISSION.

SIR,

Downing Street, 18th April, 1914.

WITH reference to the letter from this Department of the 20th January,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Royal Commissioners, a copy of a letter† from the General Post Office, furnishing the observations of the Postmaster-General on the views expressed by the Dominions Royal Commission with regard to the Australasian Mail Service.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

39867

No. 192

## GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 15th October, 1914.)

SIR,

General Post Office, London, 14th October, 1914.

WITH reference to the Post Office letter of the 25th of March last,‡ enclosing a copy of a letter addressed by this Office to the Treasury, concerning the proposed extension for twelve months of the present contract with the Peninsular and Oriental Steam Navigation Company for the conveyance of the Eastern and

\* No. 185. † No. 190. ‡ No. 188.



Australian mails, I am directed by the Postmaster-General to inform you that their lordships agreed to his proposals that the twenty-four months' notice of determination contemplated by the contract should not be given before the 31st of January, 1915. The contract was thus prolonged until at least the end of January, 1917.

Whether the condition of political affairs in Europe will justify the issue of the notice of determination in January next will require further consideration; but, in the meantime, the Postmaster-General has caused tender forms to be prepared with the view to advertise publicly for new services concurrently with the issue of the notice for the conclusion of the present contract.

The forms, which have been drafted by counsel (Sir Reginald Acland, K.C., and Mr. Ricketts) in consultation with the Solicitor to this Department, relate to the three services now performed by the Peninsular and Oriental Steam Navigation Company, namely, those to India, Australia, and China. Prints of the Indian forms have already been sent to the India Office; and I am now to enclose, for the observations of the Secretary of State for the Colonies, prints of those forms\* which concern the Australian and Far Eastern Mail Services. In order that Mr. Secretary Harcourt may know what the proposals are in the case of the service with India, prints of the Indian forms\* are also enclosed.

In the case of each service the forms are in three parts, viz.:—

- (1) Instructions for parties desirous of tendering for the conveyance of mails;
- (2) Tender for the carriage of mails; and
- (3) Conditions referred to in the tender.

This form of drafting has been adopted in order to include in one tender the various alternatives desired, and to avoid, as far as possible, the complicated arrangement of showing on separate forms the different conditions appropriate to the various alternatives.

The "instructions" are self-explanatory and call the attention of tenderers to the salient points in the tender and conditions. They are also designed to carry into effect, so far as they are applicable to the mail service, the recommendations of the Dominions Royal Commission, particularly as regards the performance of the service by more than one company and, to a certain extent (necessarily limited in the case of the China service), freedom of choice of route.

The "tender" sets forth in tabular form the alternative services which it is desired to consider, and in the case of Australia they are as follows:—

(a) A fortnightly service between the United Kingdom and Sydney via Gibraltar, Marseilles, a Mediterranean port, Aden, Colombo, Fremantle, Adelaide, and Melbourne—the voyage to be performed in the period of transit specified in the present contract, and alternatively with accelerations of twelve, eighteen, and twenty-four hours.

(b) A fortnightly service between the United Kingdom and a port in Australia to be selected by the contractor via Gibraltar, Marseilles, a Mediterranean port, and Aden. In this case, as the port in Australia is not specified, it is left to tenderers to state the period of transit.

(c) A fortnightly service between the United Kingdom and a port in Australia—the choice of route being left to the contractor.

The "tender" for the China service invites offers for the following alternatives:—

(a) A fortnightly service between the United Kingdom and Shanghai via Gibraltar, Marseilles, a Mediterranean port, Aden, Colombo, Penang, Singapore, and Hong Kong, the period of transit in the first instance being similar to that in the present contract, but tenderers are also asked to quote prices for accelerations of twelve, eighteen, and twenty-four hours.

(b) A fortnightly service as in (a), but terminating at Singapore.

(c) A fortnightly service between Colombo, Penang, and Singapore, connecting at Colombo with another service, both out and home.

It should perhaps be pointed out here that in normal circumstances correspondence sent by the way of Siberia reaches Shanghai in eighteen days and Hong Kong in twenty-one days, while by the Suez route the times taken from London are respectively thirty days and twenty-six days.

\* Not printed.

Parcels for China and all printed papers, etc., not prepaid at the letter rate are sent by the Suez route, but, in the event of the contract service terminating at Singapore, it would be possible to use the Canadian Pacific Railway Company's service for the conveyance of parcels and other articles to all places in the Far East as far as Hong Kong.

As regards both tenders, latitude is allowed in the selection of a Mediterranean port under alternatives (a) and (b), and, so far as Australia is concerned, freedom of selection of the Australian port is allowed under (b) and (c); it should be pointed out, however, that the instructions are so worded as to make it clear that the Post Office does not contemplate the employment of any route which would entail a substantially longer period of transit than that used under the present arrangement.

The existing contract covers only the voyage between Brindisi and the port of discharge abroad, except in the case of Australia, where the mail packets are bound to start from and return to a port in the United Kingdom, and to extend the voyage at the Australian end to Sydney. It has been thought expedient for the future to make the contract cover the whole journey between this country and the port of destination (except in alternative (c), China service), in view of the very heavy parcel mails that are now embarked in London, and of certain difficulties which arose in regard to the Company's responsibility for the mails when the "Delhi" and "Oceana" were lost, as well as the experience of this Department during recent shipping strikes.

The "conditions" are so drafted as to be applicable to any or either of the alternative services set forth in the tender. Generally speaking, the terms are similar to those in the present contract, but the order has been modified and those clauses which bear on one point are now grouped under their own headings instead of appearing in different parts as in the present contract.

No arrangement has been made for the sorting of letters at sea, as the provisions of the present contract have never been operative so far as the Australian mails are concerned, and your letter of the 19th of May last, No. 18141/1914,\* made it clear that sea sorting would not be required on the China section after June, 1915.

Clause 28 imposes various penalties for specified breaches of the contract. These penalties are new and have been instituted on the advice of counsel, who pointed out that, without a substantial monetary penalty for breaches, the only remedy would be to determine the contract summarily. Clause 40 specifies the procedure to be adopted in case of arbitration; this differs from former practice in that only one arbitrator is to be invoked, instead of two as in the present contract. This alteration was suggested by counsel as a much simpler process and one which would ensure the prompt dealing with a case in dispute on economical terms.

The First Schedule is at present incomplete, but will, when the contract is made, define the mail routes, including all ports of call.

The Second Schedule deals with the hire and purchase of the mail steamers by the Admiralty, and with the conveyance of Government passengers and of stores. In its present form it is provisional, and it will no doubt be greatly altered when the views of the Admiralty, with whom the Postmaster-General is in communication, have been ascertained.

I am, &c.,

G. E. P. MURRAY.

39867

No. 193.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential (2).)

SIR,

Downing Street, 23rd October, 1914.

I HAVE the honour to transmit to your Excellency, to be laid before your Ministers, the accompanying copy of a letter† from the General Post Office on the subject of the Eastern and Australian Mail Services.

I have, &c.,

L. HARCOURT.

\* 18141: not printed.

† No. 192.



CO 886/7/2



Dominions

No. 52.

CONFIDENTIAL.

## CORRESPONDENCE

[1914]

RELATING TO

# NAVAL AND MILITARY DEFENCE.

*(In continuation of Dominions No. 47.)*



# TABLE OF CONTENTS.

[NOTE.—The correspondence is arranged in two sections.]

## I.—STATUS OF DOMINIONS NAVIES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
1	The Governor-General	Australia, Telegram Confidential.	(Rec. Jan. 12.)	States that Ministers concur in the draft memorial with regard to commissions to officers in the Royal Navy.	1
2	The Governor ...	New Zealand, Telegram.	(Rec. Jan. 15.)	Outlines, in reply to the Secretary of State's telegram of 30th December, the provisions of the Naval Defence Act; observes that £50,000 has been paid to the Admiralty this year, but no further payment will be made until it has been ascertained what the expenditure for the current year will be; and adds that, when this is known, the balance will be paid to the Admiralty.	1
3	To Admiralty ...	New Zealand	February 13	Transmits a copy of the New Zealand Defence Act, 1913; invites observations, and inquires whether a decision with regard to the transfer of H.M.S. "Philomel" can yet be furnished.	2
4	Admiralty ...	New Zealand	February 13	Transmits draft of a telegram to the Governor notifying the terms on which H.M.S. "Philomel" will be lent to New Zealand.	2
5	To the Governor-General	Australia, Telegram.	February 16	States, in reply to No. 1, that the Order in Council was passed on the 9th February, and copies will be forwarded as soon as available.	2
6	To the Governor ...	New Zealand, Telegram.	February 18	Communicates views of the Admiralty as to the loan of H.M.S. "Philomel," and the financial arrangements under the naval agreement.	3
7	To Admiralty ...	New Zealand, Telegram.	February 20	Transmits a copy of No. 6, and intimates that a submission will be made to His Majesty with regard to the grant of the title "Royal" to the New Zealand Naval Reserve.	3
8	To the Governor-General	Australia, 111.	February 20	Transmits copies of an Order in Council of the 9th February, 1914, respecting the issue of commissions in the Royal Navy and the Royal Australian Navy.	3
9	To the Governor-General and Governors	New Zealand, 90; Union of South Africa, 92; Newfoundland, 66.	February 20	Ditto.	5
10	To the Governor-General	Canada, Confidential, 2.	February 20	Ditto.	5

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
11	The Governor ...	New Zealand, Telegram, Confidential.	(Rec. March 5.)	States, in reply to No. 6, that Ministers accept the loan of H.M.S. "Philomel" from the 1st June next; they approve of the Admiralty proposals with regard to obtaining volunteers, and are willing to pay up to £921 per annum for a suitable commander; the balance of the New Zealand naval contribution will be paid to the Admiralty; Ministers attach much importance to securing the best officers and men in the Royal Navy.	5
12	Admiralty ...	New Zealand	May 13	Suggests terms of a communication to the New Zealand Government relative to the arrangements made for the transfer of H.M.S. "Philomel" to that Government.	6
13	To the Governor ...	New Zealand, 213.	May 15	Transmits a copy of No. 12.	8
14	Admiralty ...	New Zealand	May 30	Submits proposals for the conditions of service of ratings transferred for service in the "Philomel."	8
15	The Governor ...	New Zealand, Telegram.	(Rec. July 8.)	States that the letter promised by the Admiralty in No. 12 has not been received, and asks whether relations of the Admiralty towards men lent, as regards time, advancement, and pension rights, would be the same as set out in the conditions of service in the Australian Navy.	9
16	To the Governor ...	New Zealand, Telegram.	July 9	States, in reply to No. 15, that the further letter from the Admiralty has now been transmitted.	9
17	To Admiralty ...	New Zealand	July 9	Transmits copies of Nos. 15 and 16, and asks whether it is desired to supplement the information contained in No. 14, which has already been communicated to the Governor.	9
18	Admiralty ...	New Zealand	July 15	States that the forms of agreement for men lent to the Royal Australian Navy enclosed in No. 14 contained particulars as to the counting of time, pension rights, and advancement, which were proposed for insertion in the conditions of service of men lent to the New Zealand Government.	10
19	Ditto ...	—	July 24	Forwards copies of the additions to the King's Regulations and Admiralty Instructions which are about to be issued to H.M. Fleet in regard to the application of the Naval Discipline Act to the Commonwealth Naval Forces; suggests that they should be communicated to the Commonwealth, New Zealand, and Canadian Governments; encloses a commission authorizing the Rear-Admiral Commanding H.M. Australian Fleet to convene courts martial for the trial of offences under the Naval Discipline Act.	10



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
20	To the Governor ...	New Zealand, 333.	July 31	Forwards copies of an Order in Council of the 16th July, 1914, extending to New Zealand the provisions of the Order in Council of 12th August, 1913, together with copies of the additions enclosed in No. 19.	11
21	To the Governor-General	Australia, 484.	July 31	Forwards copies of the enclosures in No. 19, together with a copy of the Order in Council enclosed in No. 20.	12
22	Ditto ...	Canada, 592.	July 31	Ditto.	18
23	To the Governor-General and Governor	Union of South Africa, 345; Newfoundland, 252.	July 31	Forwards copies of the Order in Council enclosed in No. 20.	13
24	The Governor ...	New Zealand, 154.	August 22 (Rec. Oct. 2.)	Transmits copy of a memorandum by his Prime Minister enclosing, with observations, form of agreement containing the conditions of service, etc., of volunteers from the Royal Navy for temporary service in the New Zealand Naval Forces.	14

## II.—DEFENCE POLICY AND REPRESENTATION OF THE DOMINIONS ON THE COMMITTEE OF IMPERIAL DEFENCE.

<b>1914</b>					
25	The Governor-General	Australia, Telegram.	(Rec. Feb. 9.)	Explains the statement made by Ministers in Parliament that they had requested the Imperial Government to convene a conference of the Dominions and the United Kingdom on defence matters.	15
26	Admiralty ...	—	March 10	Suggests that the sentence indicated might be omitted from the Governor-General's telegram of the 16th August in publishing; concurs in the proposed reply to the Governor-General's telegram of the 9th February; but considers that New Zealand should also be invited to take part in the conference.	15
27	The Governor-General	Canada, Telegram, Confidential.	(Rec. March 11.)	States that the Canadian Government have under consideration a proposal that provision for the High Commissionership should temporarily be made by arranging that a Minister probably without portfolio, should reside in London during six or eight months of the year; if the arrangement became permanent it would be for His Majesty's Government to consider whether the Minister might be summoned to the Imperial Defence Committee meetings; and requests the views of His Majesty's Government on the proposal.	16

<b>1914</b>					
28	To the Governor-General	Australia, Telegram.	March 13	States that His Majesty's Government will gladly confer with representatives of Australia regarding naval defence if so desired; inquires when it is desired that conference should be held and whether it should be confined to subjects proposed in his telegram of 10th August, 1913; it is being ascertained whether New Zealand would desire to participate in the conference.	16
29	To the Governor ...	New Zealand, Telegram.	March 13	Communicates the substance of No. 28, and inquires whether the New Zealand Government wish to participate in the conference.	16
30	To Admiralty ...	—	March 14	Transmits copies of Nos. 28 and 29, and considers it preferable not to omit from the proposed Parliamentary Paper the words referred to in No. 26.	17
31	Ditto ...	Confidential.	March 14	Transmits a copy of No. 27, and states that steps are being taken to ascertain whether the Prime Minister would be prepared to summon the Minister in question from time to time to the meetings of the Imperial Defence Committee.	17
32	To the Governor-General	Canada, Telegram.	March 16	Welcomes the suggestion that a Canadian Minister should reside during six or eight months of the year in London, and states that in this case he would certainly be summoned to meetings of the Committee of Imperial Defence.	17
33	The Governor ...	New Zealand, Telegram.	(Rec. March 17.)	Reports that New Zealand desires to participate, but unless time and place are convenient her representation cannot be adequate; he will telegraph again.	18
34	The Governor-General	Australia, Telegram.	(Rec. March 23.)	Reports that it is now impossible for any Commonwealth Minister to visit London during 1913; Ministers urge the desirability of a full conference.	18
35	To Admiralty ...	—	March 25	Transmits a copy of No. 34; proposes to reply that the matter must stand over for the present, and to telegraph in the same sense to the Governor of New Zealand; and, as soon as these telegrams are despatched, proposes to publish the Parliamentary Paper, of which a draft has already been forwarded to Admiralty, adding to it the subsequent telegraphic correspondence with Australia and New Zealand.	18
36	To the Governor-General	Australia, Telegram.	April 1	Requests him to inform Ministers that question of a conference must stand over for the present.	19
37	To Governor ...	New Zealand, Telegram.	April 1	Informs him that, as it is impossible for a Commonwealth Minister to visit London during 1913, the conference must be postponed for the present.	19



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
38	The Governor-General	Australia, Confidential.	March 3 (Rec. April 11.)	Transmits copy of a despatch from his Prime Minister relating to the provision of fleet units for the China and East Indies station.	19
39	To the Governors-General and Governor	Canada, Australia, New Zealand, Union of South Africa, Confidential (2).	April 15	States that the Admiralty have had under consideration, in conjunction with the Postmaster-General, the question of the inclusion in contracts for the carriage of His Majesty's mails of certain clauses for the purpose of advancing naval interests; summarizes the naval requirements with regard to which the Admiralty suggest that co-operation should be expected as a matter of course from the shipping companies; and requests that Ministers will consider how far the principles outlined can be applied in respect of contracts for the carriage of mails granted by their Governments.	22
40	To Admiralty ...	Australia	April 16	Transmits a copy of No. 38; invites observations thereon.	24
41	To the Governors-General and Governors	Canada, 304; Australia, 244; New Zealand, 170; Union of South Africa, 178; Newfoundland, 132.	April 24	Transmits copies of a Parliamentary Paper relating to the representation of the self-governing Dominions on the Committee of Imperial Defence, etc.	24
42	Admiralty ...	Australia, Confidential.	May 19	Submits observations on No. 40; welcomes any opportunity of discussion at a further conference with representatives of the Dominions concerned, but asks that the Commonwealth Government will view in as sympathetic a spirit as possible the difficulties which the Admiralty encounter.	24
43	The Governor-General	Australia, 136.	April 30 (Rec. June 1.)	Transmits copies of a memorandum by the Minister of State for Defence on the subject of the speech of the First Lord of the Admiralty "as reported in Australia."	26
44	To Admiralty ...	Australia	June 10	Transmits a copy of No. 42, together with the draft of a despatch to the Governor-General; and proposes to invite the observations of the Governments of Canada, the Union of South Africa, and Newfoundland on the suggestion that the contemplated conference should include representatives of all self-governing Dominions.	26
45	The Governor-General	Union of South Africa, Confidential(3).	May 30 (Rec. June 16.)	Transmits minute from his Ministers intimating their willingness to negotiate with the Union-Castle Company with regard to the introduction of new clauses into their mail contract if the Admiralty will indicate their specific requirements, and suggesting the discussion of points of detail in London.	27

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
46	To Admiralty ...	Union of South Africa, Confidential.	June 25	Transmits copy of No. 45, and asks for an expression of views of the Admiralty on the suggested discussion.	28
47	Admiralty ...	Australia	July 17	Considers, in reply to No. 44, that it would have been preferable to have sent a reasoned reply to the Commonwealth Government; proposes, however, not to press this view; but desires that Admiralty should not be taken as concurring in the course adopted or in the draft despatch.	29
48	To the Governor-General	Australia, Confidential	July 28	Observes, in reply to No. 38, that the correspondence has revealed a certain divergence of view between the Admiralty and the Commonwealth Government, and that an opportunity for consultation on the matter will be afforded by the contemplated conference on naval defence; and states that the Governments of Canada, the Union of South Africa, and Newfoundland are being communicated with on the suggestion that all the self-governing Dominions should be represented at the conference.	29
49	To the Governors-General and Governors	Canada, 571; New Zealand, 320; Union of South Africa, 336; Newfoundland, 244.	July 28	Asks for views of Ministers on the suggestion of the Commonwealth Government that the question of naval defence should be discussed in 1915 at a conference at which all the self-governing Dominions should be represented.	30
50	To Admiralty ...	—	July 28	States, in reply to No. 47, that, after full consideration, it has been decided to address the Commonwealth Government as in No. 48, a copy of which is enclosed; also encloses copies of No. 49, and submits observations as to the reasons which have induced Mr. Harcourt to consider the course taken preferable to communicating to the Commonwealth Government the substance of No. 42.	30
51	The Governor ...	New Zealand, Confidential.	June 15 (Rec. Aug. 4.)	States that his Government have given careful consideration to the points raised in No. 39, and will do what is practicable to secure the objects sought when making any contract for sea mail carriage.	32
52	The Governor-General	Canada, Confidential.	July 27 (Rec. Aug. 8.)	Transmits copy of a letter from the Department of External Affairs stating that the representations contained in No. 39 will receive full consideration before important mail-carrying contracts are placed with shipping companies in future, and reporting the insertion of an Admiralty clause in a contract about to be concluded with the Canadian Pacific Railway.	32



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1914</b>					
53	The Governor ...	Newfound-land, 148.	September 1 (Rec. Sept. 12.)	States that Ministers agree with the suggestion in No. 49.	33
54	The Governor-General	Australia, Confidential.	August 10 (Rec. Sept. 21.)	Reports, in reply to No. 39, that no oversea mail contracts are in contemplation; that certain of the provisions referred to are already included in the existing contract with the Orient Company; and that there is no objection to the inclusion of the remaining provisions in future contracts, provided Admiralty will bear any additional expense incurred.	33
55	Ditto ...	Union of South Africa, 695.	September 11 (Rec. Oct. 5.)	Transmits a copy of a minute from Ministers agreeing to discuss naval defence at a conference in 1915.	34
56	The Governor ...	New Zealand, 172.	October 12 (Rec. Nov. 21.)	States that his Government are prepared to be represented at any naval conference to be held in 1915 or at a later date.	35
57	New Zealand Parliamentary Debates	—	October 7 (Rec. Dec. 8.)	Question by Mr. Myers and answer by the Prime Minister, on the subject of granting to the High Commissioner for New Zealand a seat on the Committee of Imperial Defence.	35

**APPENDIX.**

Statement showing population and naval and military expenditure of the United Kingdom, India, and the Dominions. 36

**CORRESPONDENCE**

[1914]

RELATING TO

**NAVAL AND MILITARY DEFENCE.**

**Note.**—The correspondence is arranged in two sections.

**I.—STATUS OF DOMINIONS NAVIES.**

1382

No. 1.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 9.19 a.m., 12th January, 1914.)

[Answered by Nos. 5 and 8.]

TELEGRAM.

CONFIDENTIAL. Your despatch 14th November,\* commissions, officers Royal Navy. Government of Commonwealth of Australia concur in draft memorial.—DENMAN.

1786

No. 2.

NEW ZEALAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 12.50 p.m., 15th January, 1914.)

[Copy to Admiralty, 17th January, 1914. L.F.]

[Answered by No. 6.]

TELEGRAM.

YOUR telegram of 30th December.† Provisions of Naval Defence Act briefly as follows. Provides for establishment, training, and discipline of Naval Force, subject to Naval Discipline Acts under King's Regulations and Admiralty Instructions. Naval Force and ships to pass to control of Great Britain on declaration of war or outbreak of hostilities between Great Britain and any other country. Provides for acceptance of transfer of any vessel of King's Naval Force. Provides for constitution of Naval Reserve from those who have been through New Zealand Naval Force and from men who have served in Royal Navy. Repeals Naval Subsidy Act, 1908. At beginning of each financial year an estimate will be made of the expenditure and this will be submitted to Parliament for appropriation, and it is suggested that the balance be paid to Lords Commissioners of the Admiralty 31st March or first week in April each year. It is difficult to estimate balance to be paid over for the first year or for subsequent years. My Government have paid £50,000 to Lords Commissioners of Admiralty this year, but no further payment will be made until it has been ascertained what expenditure for current financial year will be. When this is known balance will be paid to Lords Commissioners of Admiralty. Copies of Act‡ as passed through House of Representatives sent by mail of 12th December.—LIVERPOOL.

\* No. 32 in Dominions No. 47.

† No. 35 in Dominions No. 47.

‡ See 1605: not printed.



No. 3.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 13th February, 1914.

WITH reference to the letter from this Office of the 17th ultimo,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of an Act,† No. 45 of 1913, of the Parliament of New Zealand, entitled "The Naval Defence Act, 1913."

2. Mr. Harcourt would be glad to receive at their Lordships' early convenience any observations which they may desire to offer upon the terms of this Act. He will also be glad to learn whether their Lordships are yet in a position to inform him of their decision with regard to the transfer of H.M.S. "Philomel," to which reference is made in the last paragraph of your letter of the 24th of December last.‡

3. I am to request that the sealed copy of the Act which accompanies this letter may be returned to this Office for record in due course. Plain copies will be sent as soon as they are available.

I am, &amp;c.,

HENRY LAMBERT.

5558

No. 4.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 14th February, 1914.)

[Answered by No. 7.]

SIR,

Admiralty, 13th February, 1914.

WITH reference to your letters of the 23rd December, No. 43709,§ and the 17th ultimo, No. 1786,\* transmitting telegrams from the Governor of New Zealand on the subject of naval defence, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith the draft of a telegram|| which, if Mr. Secretary Harcourt sees no objection, my Lords would propose should be sent to the Governor in reply.

I am to add that the Lords Commissioners of His Majesty's Treasury have sanctioned the loan of H.M.S. "Philomel" to the Government of New Zealand.

I am, &amp;c.,

W. GRAHAM GREENE.

1382

No. 5.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.15 p.m., 16th February, 1914.)

TELEGRAM.

COMMISSIONS of officers. Your telegram, 12th January.¶ Order in Council passed Council, 9th February. Copies will be sent as soon as available.—HARCOURT.

\* L.F. transmitting copy of No. 2. † Not reprinted. ‡ No. 34 in Dominions No. 47.  
§ L.F. transmitting copy of No. 33 in Dominions No. 47. || See No. 6. ¶ No. 1.

5558

No. 6.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 4.5 p.m. 18th February, 1914.)

[Answered by No. 11.]

TELEGRAM.

YOUR telegram of 20th December.\* Lords Commissioners Admiralty will lend H.M.S. "Philomel" from 1st June provided arrangements for manning her are complete on that date. Senior Naval Officer New Zealand will call for volunteers on station when terms of service are known. Lords Commissioners Admiralty suggest that officers and active service ratings R.N. should be invited to volunteer for three years and New Zealanders now serving to volunteer to complete seven years in all, that is, two years beyond termination of present engagements.

It will be difficult to obtain officer of suitable seniority and experience as Commanding Officer of "Philomel" and Naval Adviser, unless pay offered is more than ordinary pay and allowances in Royal Navy, and a special allowance of ten shillings per diem in addition to first-class command money is recommended, making £921 per annum in all for a junior captain, which is most suitable rank.

Your telegram of 15th January.† As regards financial arrangements no expense can apparently be incurred by your Government this financial year. Consequently Lords Commissioners Admiralty had hoped that balance still due, viz., £50,000, would be paid before 31st March, 1914. If this is impossible owing to Parliament not meeting before that date sum will be claimed next financial year, in addition to balance of £100,000 remaining unspent in that year.—HARCOURT.

5558

No. 7.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 20th February, 1914.

WITH reference to your letter of the 13th instant,‡ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lords Commissioners of the Admiralty, a copy of a telegram§ which has been sent to the Governor of New Zealand on the subject of naval defence.

2. I am at the same time to request you to inform their Lordships, with reference to your letter of the 24th December,|| that a submission will be made to His Majesty with regard to the grant of the title "Royal" to the New Zealand Naval Reserve.

I am, &amp;c.,

HENRY LAMBERT.

5951

No. 8.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 111.)

MY LORD,

Downing Street, 20th February, 1914.

WITH reference to my telegram of the 16th instant,¶ I have the honour to transmit to Your Excellency, for the information of your Ministers, three copies of an Order of His Majesty in Council of the 9th of February, 1914, on the subject of the issue of Commissions in the Royal Navy and the Royal Australian Navy.

I have, &amp;c.,

L. HARCOURT.

\* No. 33 in Dominions No. 47. † No. 2. ‡ No. 4. § No. 6. || No. 34 in Dominions No. 47.  
¶ No. 5.



Enclosure in No. 8.

AT THE COURT AT BUCKINGHAM PALACE, THE 9TH DAY OF FEBRUARY, 1914.

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 30th day of January, 1914, in the words following, viz.:—

"WHEREAS Your Majesty has been graciously pleased to sanction the provision and maintenance of a Naval Force by the Commonwealth of Australia and to approve of such Naval Force being designated the Royal Australian Navy:

"And whereas provision has been made by the Parliament of the Commonwealth of Australia for the application to the Royal Australian Navy of the Naval Discipline Act, 1866, as amended by any subsequent enactment, and of the Regulations for the government of the Royal Navy for the time being in force as regards disciplinary matters and for the coming into operation in relation to the Royal Australian Navy of the Naval Discipline (Dominion Naval Forces) Act, 1911:

"And whereas it is desirable that the officers of the Royal Australian Navy shall be interchangeable with those of the Royal Navy and that all such officers shall rank with those of the Royal Navy according to their rank and the dates of their Commissions:

"And whereas this object will be secured if the officers of the Royal Navy and the Royal Australian Navy have Commissions which will be effective both in the Royal Navy and in the Royal Australian Navy:

"And whereas, subject to Your Majesty's approval, it has been agreed between us and the Government of the Commonwealth of Australia that Commissions which may be granted for service in Your Majesty's Fleet, whether by us or by the Governor-General of the Commonwealth of Australia, shall include service both in the Royal Navy and in the Royal Australian Navy and that all Naval Commissions hitherto issued, whether by us or in accordance with the law in force in the Commonwealth of Australia, shall be deemed to have been issued for service in Your Majesty's Fleet:

"We beg leave humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to declare Your approval of the agreement aforesaid and to authorize us to grant Commissions for service in Your Majesty's Fleet as hereinafter defined to any officers of the Royal Navy and to authorize the Governor-General of the Commonwealth of Australia to grant Commissions for service in Your Majesty's Fleet as hereinafter defined to any officers of the Royal Australian Navy:

"And we also beg leave humbly to recommend that Your Majesty may by such Order in Council declare that in all future Commissions that may be granted in the Royal Navy or the Royal Australian Navy the expression 'service in Your Majesty's Fleet' shall include service in the Royal Navy and in the Royal Australian Navy:

"And further that all Naval Commissions issued hitherto, whether by us or in accordance with the law in force in the Commonwealth of Australia, may be deemed to have been issued for service in Your Majesty's Fleet as above defined."

HIS MAJESTY, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

ALMERIC FITZROY.

5951

No. 9.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNORS.

(New Zealand. No. 90.)

(Union of South Africa. No. 92.)

(Newfoundland. No. 66.)

[MY LORD,] [SIR,]

Downing Street, 20th February, 1914.

WITH reference to the discussion of the status of the navies of the self-governing Dominions which took place in connexion with the Imperial Conference of 1911, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of an Order of His Majesty in Council of the 9th of February, 1914,\* on the subject of Commissions in the Royal Navy and the Royal Australian Navy.

I have, &amp;c.,

L. HARCOURT.

5951

No. 10.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential (2).)

SIR,

Downing Street, 20th February, 1914.

WITH reference to my Confidential despatch of the 20th of February, 1913,† on the subject of the Naval Forces of the self-governing Dominions, I have the honour to transmit to Your Royal Highness, for the information of your Ministers, the accompanying copy of an Order of His Majesty in Council of the 9th February,\* on the subject of Commissions in the Royal Navy and the Royal Australian Navy.

I have, &amp;c.,

L. HARCOURT.

8268

No. 11.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.37 a.m., 5th March, 1914.)

[Copy to Admiralty, 7th March, 1914. L.F.]

TELEGRAM.

CONFIDENTIAL. Your telegram 18th February.† My Ministers beg me to advise you that Government of New Zealand will be pleased to accept "Philomel" on loan from 1st June next. As the terms of service are now known to them it is understood that Senior Naval Officer, New Zealand, will forthwith call for volunteers. My Government approve of suggestion made by Lords Commissioners of the Admiralty that officers and active service ratings Royal Navy should be invited to volunteer for three years period and New Zealanders now serving to volunteer to complete seven years in all. My Government are anxious to have services of officer of suitable seniority and experience as Commander of "Philomel," especially as he would be their adviser on naval matters and, therefore, are willing to pay him up to £921 per annum total pay and allowances. Balance of New Zealand Naval contribution for current financial year, namely, £50,000, will be paid to Lords Commissioners of the Admiralty. My Government consider it essential that every inducement



should be offered to best officers and men in Royal Navy to serve on "Philomel," and will be glad to know that any officer or man so serving will be assured that he will not suffer with regard to promotion; in fact, it would be of great assistance to scheme if those serving could rely on accelerated promotion.—LIVERPOOL.

17562

No. 12.

## NEW ZEALAND.

## ADMIRALTY to COLONIAL OFFICE.

(Received 13th May, 1914.)

[Answered by No. 17.]

SIR,

Admiralty, 13th May, 1914.

ADVERTING to your letter of the 16th ultimo, No. 13312,\* and other correspondence relative to the arrangements for the transfer of H.M.S. "Philomel" to the New Zealand Government and the establishment of a New Zealand Naval Force, I am commanded by My Lords Commissioners of the Admiralty to suggest that the Secretary of State for the Colonies should inform the Governor of the Dominion in the following sense.

2. A draft of officers and men for the New Zealand Division will reach Wellington (by freight) on or about the 13th July. This will enable H.M.S. "Philomel" to be recommissioned immediately afterwards for service under the New Zealand Government with a training complement of officers and men who have volunteered from the Royal Navy.

3. My Lords have given instructions to Captain Hall-Thompson (who will by then have been in New Zealand for about a month) to place himself under the orders of the Minister of Defence, and they suggest that it would be convenient that he should receive orders from that Minister to hoist his pendant in H.M.S. "Philomel" the day after her present Commanding Officer's pendant has been struck, the precise date being a matter of local arrangement with the Senior Naval Officer of the New Zealand Division. It may be desirable that the officers appointed to H.M.S. "Philomel" should also receive a formal notification of appointment from the New Zealand Government, but no legal significance is to be attached to the procedure, as it is the fact of their taking up their duties on board which will bring them and the rest of the crew within the provisions of the New Zealand Naval Defence Act of 1913. A separate letter will be sent in due course, dealing with the conditions of service of men volunteering from the Royal Navy for the New Zealand Naval Force.

4. As regards the status of H.M.S. "Philomel" and other ships of war which New Zealand may hereafter acquire, it is understood to be the intention of the New Zealand Government that they should continue to be designated His Majesty's ships and to be shown in the ordinary list of ships of the Royal Navy in commission, wearing the same ensign and jack as other ships of the Royal Navy. My Lords presume that it will be desired to emphasize the closeness of the connexion of the New Zealand Naval Force with the Royal Navy, such difference as exists being confined to administrative control, in peace.

5. Neither the Senior Naval Officer, New Zealand Division, nor any other Senior Officer acting under Admiralty orders will exercise authority over H.M.S. "Philomel" after she has been recommissioned, nor will her Commanding Officer exercise authority over His Majesty's ships not under the control of the New Zealand Government, except in the following circumstances:—

When a ship under Admiralty control meets a ship under New Zealand control, the senior officer will have the right of command in matters of ceremony or international intercourse, or where united action is agreed upon, but will have no power

\* Not printed.

to direct the movements of the other ship unless the ships are ordered to co-operate by mutual arrangement. In foreign ports the senior officer will take command, but not so as to interfere with the orders that the junior may have received from his own Government.

6. If the New Zealand Government should send H.M.S. "Philomel" to a Commonwealth port it may be anticipated that the Commonwealth Government will desire to be notified. Before she is sent to places outside New Zealand waters, the Admiralty should be informed. Should it be desired to send her to a foreign port, the concurrence of His Majesty's Government should be obtained, in order that the necessary arrangements may be made through the Foreign Office.

7. From the date of her recommissioning H.M.S. "Philomel" will be lent to the New Zealand Government, the stores on board suitable for her service as a training ship being handed over with her, but the non-consumable stores remaining, with the ship, the property of the Admiralty. Any consumable stores taken over, but which are not necessary for the service in question, will presumably be paid for by the New Zealand Government. From the same date that Government will take over all charges for her maintenance, including the pay of officers and men, and the annual contribution towards the liability for their retired pay and pensions.

8. Correspondence as to arrangements for the maintenance and employment of the "Philomel" and for the training of the New Zealand Naval Force will doubtless, if it is desired to obtain the advice of the Admiralty on these matters, be initiated by the New Zealand Government after consulting their Naval Adviser. I am, however, to point out that it will be necessary for the New Zealand Government in the first instance to make arrangements direct with the Commonwealth of Australia as regards the continuance of the facilities enjoyed at Sydney Yard for the supply of stores, etc., to H.M.S. "Philomel" of the same kind as those enjoyed by His Majesty's ships on the New Zealand Division. It may be presumed that the Commonwealth Government will be happy to give permission for this.

9. My Lords will be glad to learn in due course the intentions of the New Zealand Government as regards the provision of suitable accommodation at Auckland for a naval dépôt. Pending the establishment of such a dépôt reliance must continue to be placed upon the resources at Sydney.

10. It is not proposed in this letter to discuss in detail the financial arrangements between New Zealand and the Admiralty consequent on the establishment of the New Zealand Naval Force. My Lords think it right, however, to state that it was with some regret they learnt that it was the intention of the New Zealand Government to continue to vote a fixed lump sum for all naval purposes, out of which local expenses will be first defrayed, the balance being paid to the Admiralty. My Lords would have considered it preferable that any contribution that the New Zealand Government may deem it appropriate to pay towards the cost of maintaining the British ships of the New Zealand Division in New Zealand waters or to the general charges of the Royal Navy, after meeting the cost of the New Zealand Naval Force, should be fixed in amount. They recognize, however, that this is entirely a matter for the decision of the Dominion Government.

11. If the arrangement now made holds good, there will each year be uncertainty as to the amount of the appropriation in aid to be inserted in the Navy Estimates, and as to its actual realization before the end of each financial year. It is possible, therefore, that My Lords may ask the Dominion Government to arrange in advance for the contribution of a definite sum, to be estimated each autumn for the following financial year, the balance in either direction to be adjusted in the subsequent year. This will, however, form the subject of a separate communication in due course.

12. It is requested that the New Zealand Government will apprise the High Commissioner for New Zealand of arrangements made so far as may be necessary to enable him to communicate with the Admiralty as to details of the supply of stores, passages of personnel, payments to be made in London, and kindred matters which are ordinarily dealt with by the other Dominions through such channels.

I am, &amp;c.,

W. GRAHAM GREENE.



17562

No. 13.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Admiralty, 18th May, 1914. L.F.]

[Answered by No. 15.]

(No. 213.)

MY LORD,

Downing Street, 15th May, 1914.

WITH reference to previous correspondence, I have the honour to transmit to Your Excellency, for the consideration of your Ministers, the accompanying copy of a letter\* from the Admiralty on the subject of the transfer of H.M.S. "Philomel" to the New Zealand Government.

2. With reference to paragraph 12 of the letter, I enclose a copy of correspondence† with the High Commissioner for the Dominion, from which it will be seen that he has been informed of the limits within which direct correspondence with the Admiralty is approved by His Majesty's Government.

I have, &amp;c.,

L. HARCOURT.

19835

No. 14.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 1st June, 1914.)

[Copy to Governor, 4th June, 1914. No. 242. L.F.]

[Answered by No. 17.]

SIR,

Admiralty, 30th May, 1914.

MY LORDS Commissioners of the Admiralty have had under consideration your letter of the 25th March, No. 10452,‡ transmitting copy of a letter from the Governor of New Zealand in which he states that his Ministers consider it desirable that the Admiralty should be asked to determine the conditions of service (other than rates of pay) of ratings transferred for service in the "Philomel," the New Zealand Government training ship.

2. The Government of New Zealand have already agreed that the rates of pay of men serving in the New Zealand naval force should be the same as those in force for the Royal Australian Navy.

3. The enclosed copies of the forms of agreement,§ which have to be signed by active service ratings and by pensioners and Royal Fleet Reserve men lent to the Royal Australian Navy, show the conditions which have been authorized for such men in that service, except that in the case of active service ratings the Commonwealth Government have it under consideration to allow passages for wives and families only to men who volunteer for five years.

The agreements do not cancel the naval engagements under which the men are serving at the time they are lent. My lords consider that the conditions for men lent for service under the New Zealand Government might with advantage be drawn up on the same lines.

4. The men who are about to be transferred from the Royal Navy for service in H.M.S. "Philomel" will not sign agreements, nor begin to receive New Zealand rates of pay, until that ship is actually turned over to the New Zealand Government, and the ratings who are being sent out from England for the "Philomel" will, until that date, be treated as ordinary Royal naval ratings. In the case of any men who may be lent for service under the New Zealand Government after the transfer of H.M.S. "Philomel" has taken place, the agreement could be signed

\* No. 12. † 15895: not printed. ‡ Not printed. § Not reprinted.

in England as in the case of ratings lent to the Royal Australian Navy, the men to receive the New Zealand rates of pay from the date shown on the agreement form.

5. My lords desire me to request that they may be informed of the decision of the New Zealand Government with regard to these proposals.

I am, &amp;c.,

O. MURRAY.

24964

No. 15.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12.15 p.m., 8th July, 1914.)

[Answered by No. 16.]

TELEGRAM.

WITH regard to last sentence of paragraph No. 3, Admiralty letter enclosed in your despatch 15th May, No. 213,\* my Ministers beg me to advise you that no letter has been received. May it be assumed that relations of Admiralty towards men lent, as regards time, advancement, and pension rights, would be same as set out in conditions of service in the Australian Navy? Reply urgently required.—LIVERPOOL.

24964

No. 16.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 11.35 a.m., 9th July, 1914.)

TELEGRAM.

YOUR telegram 8th July.† The further letter from Admiralty was enclosed in my despatch 4th June, No. 242.‡—HARCOURT.

24964

No. 17.

NEW ZEALAND.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 18.]

SIR,

Downing Street, 9th July, 1914.

WITH reference to your letters of the 13th May and 30th May,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of correspondence with the Governor of New Zealand,|| on the subject of the terms of service of the men lent from the Royal Navy to the New Zealand Government.

2. Mr. Harcourt would be glad to learn whether the information contained in your letter of the 30th May, copy of which, with enclosures in original, was sent to the Governor in a despatch of the 4th June,¶ answers the questions as to advancement and pension rights of the men lent, which are raised in the Governor's telegram of the 8th instant,† or whether there is any further information which their lordships would desire to have sent to the Governor by telegram to supplement the information already communicated.

I am, &amp;c.,

HENRY LAMBERT.

\* No. 13.

† No. 15.

‡ L.F., transmitting copy of No. 14.

§ Nos. 12 and 14.

|| Nos. 15 and 16. ¶ L.F.



25896

No. 18.

NEW ZEALAND.

ADMIRALTY to COLONIAL OFFICE.

(Received 16th July, 1914.)

SIR,

Admiralty, 15th July, 1914.

IN reply to your letter of the 9th July, No. 24964/1914,\* I am commanded by my Lords Commissioners of the Admiralty to acquaint you that the forms of agreement for men lent to the Royal Australian Navy forwarded in Admiralty letter of the 30th May,† contained particulars as to the counting of time, pension rights, and advancement, which my lords proposed should be followed in drawing up the conditions of service for men lent to the New Zealand Government.

I am, &amp;c.,

O. MURRAY.

27429

No. 19.

ADMIRALTY to COLONIAL OFFICE.

(Received 27th July, 1914.)

[Answered by L.F. forwarding copies of Nos. 20-23.]

SIR,

Admiralty, 24th July, 1914.

WITH reference to your letter of the 24th September last, No. 31541/13,‡ transmitting copies of regulations under the Naval Defence Act, 1910-1912, of the Commonwealth of Australia, with regard to the application of the Naval Discipline Act to the Naval Forces of the Commonwealth, I am commanded by My Lords Commissioners of the Admiralty to forward herewith, for the information of the Secretary of State, copies of the additions§ to the King's Regulations and Admiralty Instructions¶ which they are about to issue to H.M. Fleet in regard thereto.

2. My Lords consider that it would be desirable for these amendments to be communicated to the Commonwealth and New Zealand Governments, and that, as the Canadian Government is proposing now to use H.M. Canadian Ships "Rainbow" and "Niobe" for the training of a volunteer force, it would also be desirable to send that Government a similar communication with reference to the earlier correspondence with the Governor-General. Three additional copies are enclosed for transmission, if the Secretary of State concurs.

3. I am further commanded by Their Lordships to enclose, for transmission to the Australian Government, their commission,‡ authorizing the Rear-Admiral Commanding H.M.A. Fleet to convene courts martial for the trial of offences under the Naval Discipline Act. This will enable Rear-Admiral Sir George Patey, when necessary, to order any officer (not below the rank of captain) of the Royal Navy, or the Royal Australian Navy, to act as president of a court martial for the trial of an officer or man of the Royal Navy, and the officers junior to the president will be automatically obliged to sit as members of the court martial by the combined effect of the Naval Discipline Act and the Naval Discipline (Dominion Naval Forces) Act, 1911, whether they belong to the Royal Navy or Royal Australian Navy.

I am, &amp;c.,

W. GRAHAM GREENE.

\* No. 17. † No. 14. ‡ No. 29 in Dominions No. 47. § Not printed.

27429

No. 20.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Admiralty, 3rd August, 1914. L.F.]

(No. 333.)

MY LORD,

Downing Street, 31st July, 1914.

WITH reference to my telegram of the 14th of July,\* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of an Order of His Majesty in Council extending to New Zealand the provisions of the Order made by His Majesty in Council on the 12th August, 1913, under Section 1 (i) (b) of the Naval Discipline (Dominion Naval Forces) Act, 1911.

2. I also enclose a copy of the Additions to the King's Regulations and Admiralty Instructions† which the Lords Commissioners of the Admiralty are about to issue to His Majesty's Fleet in connexion with the application of the Naval Discipline Act, 1911, to the Naval Forces of the Commonwealth of Australia.

3. I may add that the Order in Council of the 12th August, 1913, came into force in Australia on the 25th March, 1914.

I have, &amp;c.,

L. HARCOURT.

Enclosure in No. 20.

AT THE COURT AT BUCKINGHAM PALACE,

The 16th day of July, 1914.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a Memorial from the Right Honourable the Lords Commissioners of the Admiralty, dated the 14th day of July, 1914, in the words following, viz.:—

"WHEREAS Your Majesty was graciously pleased, by Your Order in Council of the 12th day of August, 1913, to approve that when and wheresoever one or more ships of the Royal Navy is or are in company with one or more of Your Majesty's ships provided and maintained by the Commonwealth of Australia, or by any other self-governing Dominion which shall have made provision for bringing its naval forces within the operation of the Naval Discipline (Dominion Naval Forces) Act, 1911, and to which the provisions of Your Majesty's Order have been made applicable by Order in Council, then the officers and men borne on the books of such first-mentioned ship or ships shall have the same relation to the officers and men borne on the books of such secondly-mentioned ship or ships and shall in all respects act and perform the same duties as if the officers and men borne on the books of the ship or ships provided by the self-governing Dominion were borne on the books of a ship or ships of the Royal Navy, and that the officers of all such ships of the same branch shall respectively rank with each other and command according to the dates of their first commissions, warrants, or orders in their existing rank, and if only acting in the rank according to the seniority of their respective acting appointments, and the Naval Discipline Act, 1866, as amended by any subsequent enactment, shall apply accordingly.

"And that whensoever any person thereto duly authorized by the law of the Commonwealth of Australia, or of any other such self-governing Dominion as aforesaid, for the time being in force shall name any officer of the Royal Navy not below the rank of Captain to act as President of a Court-Martial for the trial of any officer or man borne on the books of one of Your Majesty's ships provided by such self-governing Dominion, such officer

\* 25248: not printed.

† Not printed.



shall proceed therein in all respects as if he had been named as President of a Court-Martial ordered by the Admiralty or by any officer holding a commission from the Admiralty to order Courts-Martial for the trial of any officer or man borne on the books of a ship of the Royal Navy. And every Judge Advocate or Deputy Judge Advocate or person belonging to the Royal Navy officiating at such Court-Martial as Deputy Judge Advocate shall transmit with as much expedition as may be the original proceedings and the original sentence of any Court-Martial on an officer or man borne on the books of one of Your Majesty's ships provided by any self-governing Dominion attended by him to the Commander-in-Chief or senior Officer, who shall transmit them to the proper authority of the self-governing Dominion to whose ship the offender belongs, and shall transmit a complete and authenticated copy thereof to the Secretary of the Admiralty for information.

"And that the provisions of Your Majesty's Order shall not apply to any self-governing Dominion (other than the Commonwealth of Australia) or to the forces or ships thereof unless and until provision has been made in such Dominion for bringing the naval forces of the Dominion within the operation of the Naval Discipline (Dominion Naval Forces) Act, 1911, and unless and until the provisions of Your Majesty's Order have been made applicable to such Dominion by Order in Council.

"And whereas the Naval Defence Act, 1913, New Zealand, makes provision for bringing the Naval Forces of New Zealand within the operation of the Naval Discipline (Dominion Naval Forces) Act, 1911.

"We beg leave humbly to recommend that Your Majesty may be graciously pleased by Your Order in Council to apply the provisions of the aforesaid Order in Council of the 12th day of August, 1913, to New Zealand, and to the Naval Forces thereof, as from the 15th day of July, 1914."

HIS MAJESTY, having taken the said Memorial into consideration, was pleased, by and with the advice of His Privy Council, to approve of what is therein proposed. And the Right Honourable the Lords Commissioners of the Admiralty are to give the necessary directions herein accordingly.

ALMERIC FITZROY.

27429

No. 21.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, 3rd August, 1914. L.F.]

(No. 484.)

SIR,

Downing Street, 31st July, 1914.

WITH reference to Your Excellency's despatch No. 150, of the 20th of May,\* I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of the Additions† to the King's Regulations and Admiralty Instructions, which the Lords Commissioners of the Admiralty are about to issue to His Majesty's Fleet in connexion with the application of the Naval Discipline Act to the Naval Forces of the Commonwealth.

2. I also enclose a Commission‡ from the Admiralty authorizing the Rear-Admiral Commanding His Majesty's Australian Fleet to convene courts martial for the trial of offences under the Naval Discipline Act. This will enable Rear-Admiral Sir George Patey, when necessary, to order any officer (not below the rank of Captain) of the Royal Navy or the Royal Australian Navy, to act as President of a court martial for the trial of an officer or man of the Royal Navy, and the officers junior to the President will be automatically obliged to sit as members of

\* 22488: not printed.

† Enclosure (not printed) in No. 19.

the court martial by the combined effect of the Naval Discipline Act and the Naval Discipline (Dominion Naval Forces) Act, 1911, whether they belong to the Royal Navy or Royal Australian Navy.

3. I take this opportunity of enclosing a copy of an Order made by His Majesty in Council on the 16th July,\* applying to New Zealand the provisions of the Order made by His Majesty in Council on the 12th of August, 1913, under Section 1 (i) (b) of the Naval Discipline (Dominion Naval Forces) Act, 1911.

I have, &c.,

L. HARCOURT.

27429

No. 22.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Admiralty, 3rd August, 1914. L.F.]

(No. 592.)

SIR,

Downing Street, 31st July, 1914.

WITH reference to my despatch No. 726, of the 24th of September last,† I have the honour to transmit to Your Royal Highness, for the information of your Ministers, the accompanying copy of the Additions‡ to the King's Regulations and Admiralty Instructions which the Lords Commissioners of the Admiralty are about to issue to His Majesty's Fleet, in connexion with the application of the Naval Discipline Act to the Naval Forces of the Commonwealth of Australia.

2. The Lords Commissioners of the Admiralty consider that, as your Government is proposing now to use His Majesty's Canadian ships "Rainbow" and "Niobe" for the training of a volunteer force, these amendments will be of interest to your Ministers.

3. I take the opportunity of enclosing a copy of an Order made by His Majesty in Council on the 16th of July, 1914,\* applying to New Zealand the provisions of the Order made by His Majesty in Council on the 12th of August, 1913, under Section 1 (i) (b) of the Naval Discipline (Dominion Naval Forces) Act, 1911, which Order, I may add, came into force in Australia on the 25th March, 1914.

I have, &c.,

L. HARCOURT.

27429

No. 23.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

[Copy to Admiralty, 3rd August, 1914. L.F.]

(Union of South Africa. No. 345.)

(Newfoundland. No. 252.)

[MY LORD,] [SIR,]

Downing Street, 31st July, 1914.

WITH reference to my despatch No. [395,] [249,] of the 24th September last,† I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copy of an Order made by His Majesty in Council on the 16th July,\* applying to New Zealand the provisions of the Order made by His Majesty in Council on the 12th August, 1913, under Section 1 (i) (b) of the Naval Discipline (Dominion Naval Forces) Act, 1911, which Order, I may add, came into force in Australia on the 25th March last.

I have, &c.,

L. HARCOURT.

\* Enclosure in No. 20.

† No. 28 in Dominions No. 47.

‡ Enclosure (not printed) in No. 19.



37709

No. 24.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 2nd October, 1914.)

[Copy to Admiralty, 8th October, 1914. L.F.]

(No. 154.)

SIR, Government House, Wellington, 22nd August, 1914.

WITH reference to your despatch No. 242, of the 4th June,\* on the subject of the conditions of service (other than rates of pay) of ratings transferred for service in H.M.S. "Philomel," I have the honour to transmit to you the accompanying copy of a communication addressed to me by my Prime Minister, together with the copies of the form of agreement† mentioned therein.

I have, &amp;c.,

LIVERPOOL,  
Governor.

Enclosure in No. 24.

Prime Minister's Office, Wellington, 5th August, 1914.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

*Conditions of Service of Ratings transferred to H.M.S. "Philomel."*

THE Prime Minister presents his compliments, and, with further reference to the letter dated 4th June last from the Secretary of State for the Colonies, transmitting letter of 30th May, 1914, from the Admiralty, respectfully begs to forward for His Excellency's information the accompanying copies of the form of agreement containing the conditions of service, etc., of volunteers from the active service list of the Royal Navy for temporary service in the naval forces of New Zealand.

It will be noted that the regulations applying to similar service in the Royal Australian Navy have been applied as far as possible; also that the Australian rates of active and deferred pay have been adhered to in their entirety.

It will be noted, further, that the rules adopted in the Australian Navy as regards alternative passage for men's wives and families in lieu of their own passage home have been adopted, and that allowances for uniforms and victualling have been included at the same rates as in Australia.

The officer authorized to countersign these agreements is Captain P. H. Hall Thompson, R.N., Commanding Officer of H.M.S. "Philomel."

As regards the concluding part of paragraph 4 of the Admiralty's letter, my Government concurs in the suggestion made therein, and proposes to follow the practice obtaining as regards Australia.

J. ALLEN,  
for the Prime Minister.

\* L.F. transmitting copy of No. 14. † Not reprinted.

## II.—DEFENCE POLICY AND REPRESENTATION OF THE DOMINIONS ON THE COMMITTEE OF IMPERIAL DEFENCE.

4928

No. 25.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.27 a.m., 9th February, 1914.)

[Answered by No. 28.]

[Published as No. 15 in [Cd. 7347], April, 1914.]

TELEGRAM.

YOUR despatch of 21st November,\* stating that you have been unable to trace request for conference from Government of Commonwealth of Australia. Am desired by Prime Minister to inform you that my telegram of 16th August† was so regarded by my Ministers.—DENMAN.

8983

No. 26.

ADMIRALTY to COLONIAL OFFICE.

(Received 11th March, 1914.)

[Answered by No. 30.]

SIR,

Admiralty, 10th March, 1914.

WITH reference to your letter of the 25th ultimo, No. 4928/14,‡ I am commanded by My Lords Commissioners of the Admiralty to state that they note that, in deference to their representation, the Secretary of State for the Colonies does not now propose to present to Parliament the full text of his telegram to the Governor-General of Australia of the 17th October,§ on the subject of naval defence in the Pacific. The Governor-General's telegram of the 16th August,¶ however, appears in full and, being in the nature of a complaint, may give rise to public criticism if published without the answer. It is, therefore, a matter for consideration whether the sentence "Completion of Australian Fleet Unit. . . . being provided" might not be omitted. My Lords recognize, however, that criticism of an even more definite character has been offered publicly by members of the New Zealand Government, and they do not press the point.

2. My Lords concur in the reply which Mr. Harcourt proposes to give to the Governor-General's telegram of the 9th February,|| as specified in the second paragraph of your letter; but, in their opinion, the subject matter of the suggested Conference—which they understand to be, primarily, the effect on the agreement of 1909, in regard to naval defence in the Pacific, of subsequent developments of the general naval situation—is a matter which interests New Zealand equally with Australia, and one in which the New Zealand Government also have not accepted the representations of the Admiralty, conveyed last year through Colonel Allen, as conclusive. Consequently it appears to their Lordships that the New Zealand Government should be invited to take part in the Conference as well as the Government of the Commonwealth.

I am, &c.,  
W. GRAHAM GREENE.

\* No. 14 in [Cd. 7347]. † No. 13 in [Cd. 7347]. ‡ Not printed. § No. 97 in Dominions No. 47. || No. 25.



9053

No. 27.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.40 a.m., 11th March, 1914.)

[Answered by No. 32.]

(Paraphrase.)

TELEGRAM.

CONFIDENTIAL. Canadian Government have under consideration proposal to provide temporarily for High Commissionership by arranging that during six months or eight months of year one of the Ministers, probably Minister without portfolio, should reside in London. This proposal, if carried out, might result in permanent arrangement, provided that experiment was satisfactory. In that case it would be for His Majesty's Government to consider whether High Commissioner having such status might properly with approval of Canadian Government be summoned to Imperial Defence Committee meetings. My Ministers would be glad to have the views of His Majesty's Government as to the above.—ARTHUR.

8983

No. 28.

## AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.20 p.m., 13th March, 1914.)

[Answered by No. 34.]

[Published as No. 16 in [Cd. 7347], April, 1914.]

TELEGRAM.

YOUR telegram 9th February.\* Please inform your Ministers His Majesty's Government will gladly confer with representatives of Australia regarding naval defence if so desired. Should be glad to know when it is desired that conference should be held and whether discussion should be limited to subjects referred to in your telegram 16th August last.† Am communicating with New Zealand to ask whether that Government would desire to participate in conference.—HARCOURT.

8983

No. 29.

## NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 5.40 p.m., 13th March, 1914.)

[Answered by No. 33.]

[Published as No. 17 in [Cd. 7347], April, 1914.]

TELEGRAM.

As it is understood that Government of Commonwealth desire conference on naval position in Pacific, I have informed Governor-General that His Majesty's Government will be glad to confer with Australian representatives if desired, and have asked when it is wished that conference should take place and whether scope of conference should be limited to question of arrangement arrived at at Defence Conference in August, 1909. Would your Government wish to participate in conference?—HARCOURT.

\* No. 25. † No. 13 in [Cd. 7347].

8983

No. 30.

## COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 14th March, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 10th March\* and to transmit to you, for the information of the Lords Commissioners of the Admiralty, the accompanying copies of telegrams† which have been addressed to the Governor-General of the Commonwealth of Australia and the Governor of New Zealand, intimating the readiness of His Majesty's Government to discuss the question of naval defence in the Pacific with representatives of the Commonwealth and Dominion Governments.

2. I am to add that Mr. Harcourt thinks it preferable not to omit from the proposed Parliamentary Paper the words referred to in paragraph 1 of your letter under acknowledgment.

I am, &amp;c.,

HENRY LAMBERT.

9053

No. 31.

## COLONIAL OFFICE to ADMIRALTY.

(Confidential.)

SIR,

Downing Street, 14th March, 1914.

WITH reference to previous correspondence regarding the representation of the self-governing Dominions on the Committee of Imperial Defence, I am directed by Mr. Secretary Harcourt to transmit to you, for the information of the Lords Commissioners of the Admiralty, the accompanying copy of a telegram‡ which has been received from the Governor-General of Canada, suggesting that a Minister without portfolio should reside in London for six or eight months in the year, and should act as High Commissioner.

2. This proposal is in accord with the suggestion made in Mr. Harcourt's despatch of the 10th December, 1912,§ and Mr. Harcourt is taking steps to ascertain from the Prime Minister whether he would be prepared to summon the Minister in question from time to time to the meetings of the Committee of Imperial Defence.

I am, &amp;c.,

HENRY LAMBERT.

9053

No. 32.

## CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 16th March, 1914.)

[Copy to Admiralty, 20th March, 1914. L.F.]

TELEGRAM.

(Paraphrase.)

WITH reference to your Confidential telegram of the 11th of March,‡ His Majesty's Government warmly welcome the suggestion that one of your Ministers should reside during six or eight months of the year in London. In this case he would certainly be summoned to meetings of the Committee of Imperial Defence in accordance with the proposals made to Sir Wilfrid Laurier at the Imperial Conference of 1911 and afterwards to your Prime Minister; see my despatch of the 10th of December, 1912.§—HARCOURT.

\* No. 26. † Nos. 28 and 29. ‡ No. 27. § No. 1 in [Cd. 6560], January, 1913.



9936

No. 33.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.45 a.m., 17th March, 1914.)

[Answered by No. 37.]

[Published as No. 18 in [Cd. 7347], April, 1914.]

TELEGRAM.

YOUR telegram, 13th March.\* Prime Minister informs me that New Zealand desires to participate in naval conference, but unless time and place convenient representation cannot be adequate. Will telegraph again further, as at present many of the Ministers are absent from Wellington, and it will not be possible to hold Cabinet Council for two weeks.—LIVERPOOL.

10819

No. 34.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.10 a.m., 23rd March, 1914.)

[Answered by No. 36.]

[Published as No. 19 in [Cd. 7347], April, 1914.]

TELEGRAM.

YOUR telegram of 13th March.† In view of the early meeting of Parliament it is now impossible for any Commonwealth Minister to visit London during this year, although my Ministers still hold the opinion expressed in my telegram of 15th August‡ that a conference is desirable. My Ministers, while not ignoring the advantages of the limited conference His Majesty's Government suggest, yet urge greatly the desirability of a full conference at which shall be represented all the self-governing Dominions.—DENMAN.

10819

No. 35.

COLONIAL OFFICE to ADMIRALTY.

SIR, Downing Street, 25th March, 1914.  
WITH reference to the letter from this Office of the 18th March,§ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a telegram|| from the Governor-General of Australia, on the subject of the proposed Naval Conference.

2. Mr. Harcourt proposes, with the concurrence of their Lordships, to inform the Governor-General by telegraph that, in the circumstances mentioned in his telegram, the matter must stand over for the present, and to telegraph in the same sense to the Governor of New Zealand.

3. As soon as these telegrams are despatched Mr. Harcourt proposes to publish the Parliamentary Paper of which a draft was forwarded to you in the letter from this Office of the 25th of February,¶ adding to it copies of the subsequent telegraphic correspondence with the Commonwealth of Australia and New Zealand.

I am, &amp;c.,

HENRY LAMBERT.

\* No. 29. † No. 28. ‡ No. 13 in [Cd. 7347]. § 9936: not printed. || No. 34. ¶ 4928: not printed.

11656

No. 36.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.10 p.m., 1st April, 1914.)

[Published as No. 20 in [Cd. 7347], April, 1914.]

TELEGRAM.

YOUR telegram 23rd March.\* Please inform your Ministers that, in circumstances mentioned in your telegram, question of Defence Conference must stand over for the present. I have informed Governor, New Zealand. Presume your Ministers have no objection to publication your telegram 23rd March.\*—HARCOURT.

11656

No. 37.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 1.10 p.m., 1st April, 1914.)

[Published as No. 21 in [Cd. 7347], April, 1914.]

TELEGRAM.

YOUR telegram 17th March.† Government of Commonwealth state that owing to early meeting of Parliament it is impossible for Commonwealth Minister to visit London this year, and Conference therefore must be postponed for the present. It is proposed to publish correspondence with Commonwealth here. Presume your Ministers have no objection to inclusion your telegram 17th March.†—HARCOURT.

13324

No. 38.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th April, 1914.)

[Answered by No. 48.]

(Confidential.)

Commonwealth of Australia, Governor-General's Office,

SIR,

Melbourne, 3rd March, 1914.

I HAVE the honour to transmit herewith, for the information of His Majesty's Government, copy of a Confidential despatch addressed to me by my Prime Minister, dated 28th February, 1914, relative to the provision of fleet units for the China and East Indies stations.

I have, &amp;c.,

DENMAN,

Governor-General.

Enclosure in No. 38.

(Confidential.)

Commonwealth of Australia, Prime Minister,

MY LORD,

Melbourne, 28th February, 1914.

As to the matters dealt with in the despatch of the 17th October, 1913,‡ from the Secretary of State for the Colonies, and the accompanying copy of a letter

\* No. 34. † No. 33. ‡ No. 96 in Dominions No. 47.



of the 15th October from the Admiralty,\* with regard to the provision of fleet units for the China and East Indies stations, I have the honour to submit, for the consideration of His Majesty's Government, the following views.

2. Your Excellency in the telegram of the 16th August, 1913,† to Mr. Harcourt, stated that:—

"Government of the Commonwealth of Australia are considering naval defence situation, especially arrangement come to at Imperial Conference in London, 19th August, 1909, by which Australian Fleet unit would form part of the Eastern Fleet of the Empire, with similar units of the Royal Navy to be known as the China and East Indies units respectively. Completion of Australian Fleet unit, as then agreed to, is near at hand, but it does not appear to my Ministers that China and East Indies units are in course of being provided. Government of Commonwealth of Australia are anxious to know exactly intention of His Majesty's Government in this respect. If any new circumstances have arisen which it is considered should necessitate an alteration in the agreement to provide units my Ministers would be glad to be informed, and, if thought necessary, would arrange for representation at a conference should His Majesty's Government consider such a course necessary."

3. In his despatch of the 21st November, 1913,‡ Mr. Harcourt expressed a desire to be informed of the occasion on which Ministers requested the Imperial Government to convene a conference of representatives of the Dominions and of the United Kingdom. May I be permitted to say that—in the light of previous correspondence, including Your Excellency's telegram of the 19th December, 1912,§ and of the fact that, on the 16th August, 1913, new circumstances (then not communicated to Your Excellency or Ministers) had arisen, necessitating, in the opinion of His Majesty's Government, an alteration in the agreement—your telegram of the last-mentioned date could have been read as a request for a conference. Ministers are of opinion that the occasion of a proposal by one of the parties to change, in respects that may be vital to another party, the provisions for the protection of the Pacific agreed to as a result of the Imperial Conferences of 1909 and 1911, was one that came within the meaning of the resolutions passed in 1907 as to the holding of subsidiary conferences.

4. It now appears that the Lords Commissioners of the Admiralty, in the circumstances set forth in Mr. Harcourt's telegram of the 17th October|| and in his despatch of the 17th October, 1913,¶ while not deeming it necessary to suggest any change in the general policy of the provisions referred to for the protection of the Pacific, considered that the development of the general naval situation since 1911 made it imperative to defer carrying the arrangements into effect in the precise form contemplated. They further say that the time when, and the extent to which, it may be possible to make further progress in carrying out these arrangements in detail, must depend on the course of future events.

5. The detailed scheme agreed to, as their lordships mention, at the Imperial Conference held in London in 1909, contemplated that there should be a Pacific or Eastern Fleet consisting of three fleet units, each comprising one battle cruiser of the "Indefatigable" class, three light cruisers of the "Bristol" type, together with certain destroyers and submarines. One of these units was to be provided by the Royal Australian Navy, one from the China Squadron, and one from the East Indies Squadron of the Royal Navy. Together, these units were to form an Eastern Fleet of thirty-nine vessels.

6. In accordance with the agreement, the Government of the Commonwealth made provision for the Australian Fleet unit, the completion of which is now near at hand. The units from the China and the East Indies Squadrons of the Royal Navy have not been provided as arranged. The two battle cruisers which were to form part of these squadrons have been assigned to European waters under changed conditions, described in the memorandum of December, 1912 [Cd. 6513], which, it is said, made it imperative for the Lords Commissioners of the Admiralty to review the proposed distribution of the naval forces of the Empire. On the assumption that any effective and economical distribution of the fleet must be primarily governed by a consideration of the actual ships of the enemy which would require to be met in any particular quarter of the globe, the two squadrons

have been reconstituted by the Admiralty without consultation with the Government of the Commonwealth, but in a way that, in the opinion of their lordships, more effectively adapts them to the duties that will devolve upon them.

7. For convenience of reference and clearness I have summarized the chief reasons communicated in explanation of the proposal of the Admiralty to reconstitute the China and East Indies Squadrons in a way stated in the following comparison:—

<i>Proposed.</i>	<i>Provided.</i>
Two battle cruisers ("Indefatigable" class).	Two battleships ("Swiftsure" class).
Six light cruisers ("Bristols").	Two cruisers ("Minotaur," "Hampshire").
	Five light cruisers (including three "Bristols" and two older type).

8. For present purposes it is unnecessary to express an opinion on the adequacy, from the points of view of urgency and strategy, of the reasons advanced in support of the proposed distribution. Doubtless the considerations submitted would be given in a conference the great weight due to the experience, knowledge, and consequent authority of those who adduce them. But there are some relevant considerations to which this Government desires to call attention.

9. In Ministers' opinion the dispositions agreed to in 1909 were intended primarily for the protection of British interests in the Pacific, and had direct regard to the expediency, suggested so often in discussions and communications since the first Colonial Conference in 1887, of laying down and consistently developing a basis of naval defence, at once Imperial and local, both in respect of its efficacy and the reasonable obligations of the Mother Country and the self-governing Dominions to share the incidental expenditure.

10. The Commonwealth Government accepted those dispositions, and, as mentioned in Your Excellency's telegram of the 16th August, 1913,\* has done its part in carrying them out. In agreeing to such arrangement the Government thought that the composition and the distribution of the Eastern Fleet were, and would continue to be, determined by the particular dangers to which local relations in the Pacific exposed British possessions, and against which Ministers, while desiring the extension generally of our friendly relations with neighbouring nations, think it necessary to make settled provision. While recognizing that changing conditions may call for modifications, Ministers thought that any new disposition would not affect the primary object, the permanent protection of British interests in the Pacific; that the immunity of the Commonwealth should not be left to depend upon the continuance of such a delicate security as an alliance, however desirable and honourable, with a great and friendly Power; and that such developments and features of the naval situation as are referred to in the memorandum of 1912 [Cd. 6513] would be met by a special provision for home waters that would not fundamentally alter the composition of the Eastern Fleet, the strength and disposition of which are of vital interest to the Commonwealth.

11. In nothing is the British Empire more unique than in the fact that its component parts, while bound by allegiance and affection to maintain the interests and integrity of the whole, have special international relations and dangers which necessitate local provision for defence that strategic dispositions of the fleet for protection of the interests of the Empire as a whole may not at all times adequately meet. A disposition of the naval forces of the Empire, "strictly from the point of view of securing a preponderance of strength over our most probable adversary in all parts of the world," may, indeed at times must, subordinate the special defence requirements of a distant Dominion to those of the Imperial centre or of the Empire as a whole.

12. May I suggest that our common aim should be to adopt, and consistently develop, a scheme of naval defence which, as far as possible, meets the special, as well as the common, danger, and which does not admit of the adequacy of a Dominion's defence being from time to time affected by the changing requirements of Imperial interests elsewhere. This is a consideration essentially different from those set forth in the despatch from Mr. Harcourt of the 17th October, 1913,† and to which, possibly, the Lords Commissioners of the Admiralty may not have given due weight.

\* No. 93 in Dominions No. 47. † No. 13 in [Cd. 7347]. ‡ No. 14 in [Cd. 7347].  
§ No. 95 in Dominions No. 46. || No. 97 in Dominions No. 47. ¶ No. 96 in Dominions No. 47.

\* No. 13 in [Cd. 7347].

† No. 96 in Dominions No. 47.



13. In reply to references on page 5 of the Memorandum [Cd. 6513], it may be mentioned that, although Imperial communications which are vital to Australia as to Canada rest upon a basis of Imperial naval strength, the naval expenditure of the Commonwealth for the current financial year amounts to £2,037,557 (out of an aggregate Commonwealth expenditure of £17,800,223). In 1912 the Dominion of Canada spent £498,000 (out of an aggregate expenditure of £19,400,000). In 1933, on the completion of the provisions for naval defence recommended by Admiral Henderson, and being carried out by the Commonwealth, the expenditure, even on his estimate, which, however, is likely to be largely exceeded, will be £4,824,000. The annual Commonwealth contribution will then be at least 15s. per head, which probably will stand any test of reasonableness, whether based on resources, volume of trade, extent of communications, or susceptibility to influences calculated to disturb international relations, that may be applied. The Henderson scheme is based on the assumption that Australia desires to possess, as early as practicable, a fleet whose annual cost approximates to the proportion, on the basis of the over-sea trade, of 11 per cent., and on the basis of the total sea trade of 15 per cent. of the naval expenditure of the Mother Country (Recommendations, page 8).

14. Nothing that I have said is intended to controvert the statement, which in naval matters may be regarded as a truism, that general naval supremacy, "the power to defeat in battle and drive from the seas the strongest hostile navy, or combination of hostile navies, wherever they may be found" (Memorandum [Cd. 6513], page 5), is a safeguard and end to be sought alike by the United Kingdom and the great Dominions of the Crown. My purpose is to suggest that local superiority also, if not always an essential condition of general supremacy, may be of such vital importance to a particular Dominion that provision made for it should not be altered to remove any avoidable defects in provisions for the protection of British interests elsewhere. Both should be aims of a sound Imperial system, and, it is submitted, may, without undue sacrifices, be attained.

15. I am submitting these considerations in support of the opinion, which Your Excellency's telegram of the 16th August, 1913, to Mr. Harcourt, may be read as communicating, that any proposals for alteration in the provisions for fleet units agreed to in 1909 are a proper subject for consideration at a conference between representatives of the parties to the arrangement. Indeed, the statement that an agreement come to at one conference should not be materially altered except by the parties at another, might well be accepted as of general application. In the opinion of Ministers the fact that the Commonwealth is developing a system of naval defence in accordance with dispositions agreed to, and that systematic and persistent development is expedient, makes an early conference desirable.

I have, &c.,

JOSEPH COOK.

His Excellency

The Governor-General of the  
Commonwealth of Australia.

11676

No. 39.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND  
GOVERNOR.

[Copy to Admiralty, 15th April, 1914. L.F.]

[Answered by Nos. 45, 51, 52, and 54.]

(Canada.)  
(Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Confidential (2).)

SIR,

MY LORD,

Downing Street, 15th April, 1914.

I HAVE the honour to request [Your Royal Highness] [Your Excellency] to inform your Ministers that the Lords Commissioners of the Admiralty have had

under their consideration, in conjunction with the Postmaster-General, the question of the inclusion in contracts for the carriage of His Majesty's mails of certain clauses for the purpose of advancing naval interests.

2. The elaboration in recent years of Admiralty arrangements affecting preparation for war has greatly increased the necessity for close co-operation between the Royal Navy and the mercantile marine in regard to matters of such prime importance as the policy of arming merchant vessels for self-defence, the use of mercantile vessels as fleet auxiliaries in time of war, the installation of wireless telegraphy, the arrangements for the distribution of naval intelligence, the systematic practising of signals between His Majesty's ships and merchant vessels, the definite encouragement of officers and men to join the Royal Naval Reserve, &c. In regard to these and other similar arrangements the co-operation of the mercantile marine is essential, not only in order to facilitate the work of the Royal Navy, but also to provide for the security of British commerce in time of war.

3. Experience has shown that the measure of assistance accorded by different shipping companies in connexion with these schemes varies considerably, and the influence of the great shipowners—which goes far to determine the attitude of owners generally—is by no means so fully and invariably given in support of such arrangements as is desirable, having regard to the important bearing which their success must have upon the national interests.

4. The Lords Commissioners of the Admiralty are strongly of opinion that co-operation with the Government in such measures as these should be expected as a matter of course from the shipping companies with whom important mail carrying and other contracts are placed. The naval requirements to which their Lordships attach importance may be summarized as follows:—

(1) That such ships as may be named from time to time by the Admiralty shall thereupon carry a small armament for self-defensive purposes.

(2) That vessels to be selected for the purpose (referred to in (1)) shall carry an installation of wireless telegraphy.

(3) That vessels to be built in the future shall comply with the latest regulations of the Board of Trade as regards watertight sub-division.

(4) That in vessels to be built in the future endeavours should be made to protect the steering gear.

(5) That the companies will undertake to encourage the practice of the Admiralty system of signalling (both visual and wireless) with men-of-war, signal stations, and merchant vessels, and, in the case of visual, to furnish their vessels with a modern equipment of lamps and apparatus.

(6) That they will co-operate in the distribution of naval intelligence.

(7) That they will undertake to encourage the Royal Naval Reserve movement, both amongst officers and men: and

(8) That the operation of the clauses dealing with Admiralty powers for purchase or hire of mail ships shall be extended, so that the clauses shall cover all vessels belonging to the Company.

5. It is recognized that all these requirements may not be applicable in the case of any particular contract and that no uniform series of provisions can be adopted. The Lords Commissioners of the Admiralty would, indeed, prefer if they could secure the acceptance by shipping companies of a general undertaking to comply with Admiralty requirements for the protection and safety of their steamers.

6. I shall be glad if your Ministers will consider how far the principles outlined above can be applied in respect of contracts for the carriage of mails granted by the Government of the [Dominion] [Commonwealth] [Dominion] [Union.]

I have, &c.,

L. HARCOURT.



13324

No. 40.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 42.]

SIR,

Downing Street, 16th April, 1914.

IN reply to your letter of the 28th March,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copy of a despatch† from the Governor-General of the Commonwealth of Australia, on the subject of the carrying into effect of the Naval Agreement of 1909.

2. Mr. Harcourt will be glad to have the observations of the Lords Commissioners on this despatch.

3. I am to add that the proposed Parliamentary Paper will be issued forthwith, the concurrence of the Governments of the Commonwealth of Australia and of New Zealand in the publication of the latest telegrams having been received.

I am, &amp;c.,

HENRY LAMBERT.

13946

No. 41.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 304.)

(Commonwealth of Australia. No. 244.)

(New Zealand. No. 170.)

(Union of South Africa. No. 178.)

(Newfoundland. No. 132.)

SIR,

MY LORD,

Downing Street, 24th April, 1914.

WITH reference to

[my telegram of the 16th December last‡]

[Your Excellency's telegram of the 16th April§]

[Your Excellency's telegram of the 9th April||]

[my telegram of the 22nd April¶]

[Mr. Davidson's telegram of the 18th December last\*\*]

I have the honour to transmit to [Your Royal Highness] [Your Excellency] [you], for the information of your Ministers, six copies of a Parliamentary Paper†† containing correspondence relating to the representation of the self-governing Dominions on the Committee of Imperial Defence and to a proposed Naval Conference.

I have, &amp;c.,

L. HARCOURT.

18579/S

No. 42.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 21st May, 1914.)

[Answered by No. 44.]

(Confidential.)

SIR,

Admiralty, 19th May, 1914.

IN reply to your letter of the 16th April,‡‡ I am commanded by My Lords Commissioners of the Admiralty to offer, for the consideration of the

\* 11656: not printed. † No. 38. ‡ 41488: not printed. § 13946: not printed.

|| 13088: not printed. ¶ 13946: not printed. \*\* 43532: not printed. †† [Cd. 7347]. ‡‡ No. 40.

Secretary of State, the following observations on the despatch of the Prime Minister of the Australian Commonwealth, dated the 28th February,\* relative to the naval defence of the Pacific and its discussion at a further Imperial Conference.

2. It is difficult for their lordships to state fully in correspondence their views on naval defence in relation to the Dominions: nor do they suppose that the Government of the Commonwealth would expect in this form any material amplification of the facts and arguments already conveyed to them in Colonial Office despatch of the 17th October.† There might be some danger of a further exchange of despatches assuming a controversial character, which would be much to be deplored, and which it is the very purpose of a conference to prevent.

3. At the same time my lords think it necessary to make certain comments of a general character upon the views expressed in the Prime Minister's despatch.

4. In the first place my lords fully concur in the statement that the primary object of the dispositions considered by the Conference of 1909 was the permanent protection of British interests in the Pacific and that, although changing conditions may call for modifications in those dispositions, any new disposition should not materially affect that primary object. My lords have expressed the considered opinion that the Eastern Squadrons as recently reconstituted adequately fulfil the requirements, whether regarded from the standpoint of "local superiority" or "general supremacy" (as distinguished in the Prime Minister's despatch), and they dissent entirely from the suggestion, which might be thought to be implied in paragraph 10 of the despatch, that the decision not to conform exactly to the "fleet unit" composition of squadrons has in some degree affected the strategic situation in the Pacific, considered in relation to the naval strength of Japan. This subject was dealt with in the speech of the First Lord of the Admiralty in the House of Commons on the Navy Estimates on the 17th March last, with the terms of which Mr. Harcourt is, no doubt, acquainted.

5. The considerations upon which these conclusions are based are of a technical character which need not be detailed in the present discussion, as is apparently recognized by the Prime Minister, who disclaims any intention of dealing with them in his despatch. My lords, however, cannot but observe that the wording of the despatch points to an assumption that the very fact of changes having been made from the dispositions agreed upon in 1909 can be regarded as presumptive proof that the arrangements have been altered to the detriment of British interests in the Pacific.

6. If my lords apprehend correctly the arguments of the Commonwealth Government, the view is entertained that the Conference of 1909 dealt with the whole question on strategic grounds and that it was on these grounds that the composition of the fleet units was primarily based.

7. It is clear, however, from the Admiralty Memorandum of 20th July, 1909,‡ prepared for the consideration of the Conference, that, in the opinion of the Admiralty, the definite proposals which the Conference was assembled to consider precluded the possibility of dealing with the question of naval defence on purely strategical grounds and that no attempt was made to do so. The memorandum also makes it plain that the composition of the fleet unit was proposed in advance of the Conference and was based on certain considerations affecting the establishment of local Dominion fleets, without particular reference to the political or strategical conditions of the Pacific. The object was to indicate a type of force that would form a satisfactory nucleus of a "self-contained fleet," besides being in itself "capable of action not only in the defence of coasts, but also of the trade routes, and . . . sufficiently powerful to deal with small hostile squadrons, should such ever attempt to act in its waters."

8. My lords, therefore, have always regarded the precise composition of the fleet unit as having been fixed to meet certain conditions, in respect of present service and possible future development, which applied in their entirety to the force that the Commonwealth of Australia desired to create, but which had no exact application to the China and East Indies Squadrons. Whilst, therefore, it was agreed at the Conference that, on grounds of uniformity and general convenience, it was desirable that these latter squadrons should be remodelled on similar lines to those of the Australian fleet unit, my lords do not

\* Enclosure in No. 38. † No. 96 in Dominions No. 47. ‡ Page 29 of Dominions No. 16.



concur in the view now urged that their precise composition was based on strategic grounds, or was the subject of any definite compact, nor did they, in fact, so regard it even at the time when they hoped to conform very closely to the dispositions then foreshadowed.

9. My lords fully admit the necessity of discussion at a further conference, and, as Mr. Harcourt is aware, no difficulty has been raised to such a conference on their part; they would, therefore, welcome an early opportunity of convening a meeting with the representatives of the Dominions concerned. My lords do not for a moment desire to ignore the views of the Commonwealth Government as to the provision and disposition of the ships of the Royal Navy; but, now that the Commonwealth Government are in a position to realize more nearly the responsibility attaching to the maintenance of a local naval superiority, their lordships think it not unreasonable to ask that they will view in as sympathetic a spirit as possible the difficulties which the Admiralty encounter in the discharge of their wider responsibilities.

I am, &c.,  
W. GRAHAM GREENE.

19884/S

No. 43.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st June, 1914.)

(No. 136.)

Governor-General's Office,  
Melbourne, 30th April, 1914.

SIR,

I HAVE the honour to transmit herewith six copies of a memorandum\* by the Minister of State for Defence, on the subject of the speech of the First Lord of the Admiralty "as reported in Australia."

I have, &c.,  
DENMAN,  
Governor-General.

19884/S

No. 44.

AUSTRALIA.

COLONIAL OFFICE to ADMIRALTY.

[Answered by No. 47.]

SIR,

Downing Street, 10th June, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 19th May,† on the subject of the naval defence of the Pacific, and to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copy of a despatch‡ from the Governor-General of the Commonwealth of Australia, forwarding copies of a memorandum by the Minister of Defence dealing with the speech of the First Lord of the Admiralty on the Navy Estimates "as reported in Australia."

2. Mr. Harcourt concurs in the views expressed in the second paragraph of your letter under reference, and I am to transmit the accompanying draft of a despatch which it is proposed, with their lordships' concurrence, to address to the Governor-General in reply to his predecessor's Confidential despatch of the 3rd of March.§

\* Australian Parliamentary Paper, No. 1—F.4819. † No. 42. ‡ No. 43. § No. 38.

3. Mr. Harcourt also proposes, if their lordships concur, to invite the attention of the Governments of Canada, the Union of South Africa, and Newfoundland to Lord Denman's telegram of the 23rd March (page 13 of Cd. 7347), and to ask for their observations on the suggestion that the contemplated Conference should include representatives of all the self-governing Dominions.

I am, &amp;c.,

HENRY LAMBERT.

Enclosure in No. 44.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Draft.)

(Confidential.)

SIR,

Downing Street, July, 1914.

I HAVE the honour to acknowledge the receipt of Lord Denman's Confidential despatch of the 3rd March, on the subject of the naval defence of the Pacific.

2. In reply I have to request Your Excellency to inform your Ministers that the points raised by your Prime Minister, and the whole question, will no doubt be fully discussed and carefully considered at the Conference on Naval Defence which it is hoped will be held at no very distant date.

3. The suggestion made by your Ministers in Lord Denman's telegram of the 23rd March that all the self-governing Dominions should be represented at the Conference is engaging the attention of His Majesty's Government.

I have, &amp;c.,

21974

No. 45.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th June, 1914.)

(Confidential (3).)

SIR,

Governor-General's Office, Cape Town, 30th May, 1914.

I HAVE the honour to transmit to you herewith, with reference to your despatch, Confidential, of 15th April,\* a copy of minute, Confidential, No. 417, from Ministers, of the 29th May (with enclosures), on the subject of the inclusion in contracts for the carriage of His Majesty's mails of certain clauses for the purpose of advancing naval interests.

I have, &amp;c.,

GLADSTONE,  
Governor-General.

Enclosure in No. 45.

MINISTERS to THE GOVERNOR-GENERAL.

(Confidential.)

(Minute No. 417.)

Prime Minister's Office, Cape Town, 29th May, 1914.

MINISTERS have the honour to state, with reference to His Excellency the Governor-General's Confidential minute No. 43/301, of the 7th May, 1914, that the existing ocean mail contract between the Government of the Union of South Africa and the Union Castle Mail Steamship Company, Limited, is for a period of ten years, commencing on the 1st October, 1912, and determining on the 30th September, 1922, and that it is therefore not practicable at the present time to introduce new conditions into the mail contract without the assent of the contractors, more

\* No. 39.



particularly should it be found that the contractors would be required to incur considerable expenditure in meeting the conditions to be imposed upon them.

2. Nevertheless, Ministers will be prepared to take the matter up with the Union Castle Mail Steamship Company if the Lords Commissioners of the Admiralty will indicate in detail the specific requirements which it is desired that the Company should fulfil.

3. Ministers are not aware whether the Admiralty has made any proposals or requests to the Company in this connexion, and, if so, to what extent the Company has met or is prepared to meet the Admiralty's requirements.

4. Ministers suggest that the points of detail involved should be discussed in London towards the latter part of July next, between the representatives of the Admiralty and the High Commissioner for the Union in London, together with the Postmaster-General of the Union, and the Secretary for Defence of the Union, who will then be available in England. Such a discussion would probably facilitate a clearer understanding of the situation, and it might also be arranged to discuss the matter, in the light of a full knowledge of the Admiralty's specific requirements, with the representatives of the Union Castle Mail Steamship Company.

5. In the meantime, Ministers desire to invite attention to the provisions of the ocean mail contract between the Union Government and the Union Castle Mail Steamship Company, Clause 3 of the contract having special reference to the point mentioned at 4 (3) of Mr. Secretary Harcourt's Confidential despatch of the 15th April, 1914, and Clauses 37, 38, and 39 to 4 (8) of that despatch.

6. Having regard to the terms of paragraph 5 of Mr. Secretary Harcourt's despatch, and to the suggestion contained in paragraph 4 of this minute, Ministers do not propose to deal at present with a number of points of detail on which it appears necessary to have more information than is now available as to the specific requirements of the Admiralty in respect of the ships belonging to the Union Castle Mail Steamship Company.

LOUIS BOTHA.

21974

No. 46.

UNION OF SOUTH AFRICA.

COLONIAL OFFICE to ADMIRALTY.

(Confidential.)

SIR,

Downing Street, 25th June, 1914.

WITH reference to the letter from this Department of the 15th April,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Lords Commissioners of the Admiralty, copy of a despatch† from the Governor-General of the Union of South Africa on the subject of the inclusion in contracts for the carriage of His Majesty's mails of certain clauses for the purpose of advancing naval interests.

2. Their lordships will observe that the Union Government suggests that the matter should be discussed in London, towards the latter part of July next, between representatives of the Admiralty and the High Commissioner for the Union, together with the Postmaster-General of the Union and the Secretary for Defence of the Union, who will then be in England.

3. Mr. Harcourt would be glad to be favoured with an expression of their lordships' views on this suggestion.

I am, &c.,

HENRY LAMBERT.

\* L.F. transmitting copy of No. 39. † No. 45.

26127/S

No. 47.

AUSTRALIA.

ADMIRALTY to COLONIAL OFFICE.

(Received 18th July, 1914.)

[Answered by No. 50.]

SIR,

Admiralty, 17th July, 1914.

IN reply to your letter of the 10th ultimo, No. 19884,\* relative to the views of the Commonwealth Government on naval policy in the Pacific, I am commanded by My Lords Commissioners of the Admiralty to request that you will inform the Secretary of State for the Colonies that they would have preferred that a reasoned reply should be given to the letter of the Commonwealth Prime Minister dated the 28th February,† and also to the memorandum by the Minister for Defence dated the 13th April.‡ My Lords felt (and feel) that such a course was only respectful to the Australian Ministers, and was indeed required in view of the many misstatements and misunderstandings contained in their communications.

If, however, Mr. Harcourt considers that no notice should be taken of the Australian complaints, otherwise than by the draft despatch enclosed in your letter under reply, my lords do not propose at this stage to press their view. They do not, however, desire to be taken as concurring in the course adopted, or in the character or text of the despatch.

I am, &c.,

W. GRAHAM GREENE.

26127/S

No. 48.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 28th July, 1914.

I HAVE the honour to acknowledge the receipt of Lord Denman's Confidential despatch of the 3rd March,§ forwarding a memorandum by the Prime Minister of the Commonwealth on the subject of the naval defence of the Pacific, and to inform Your Excellency that on its receipt I communicated a copy to the Lords Commissioners of the Admiralty.

2. The course of the correspondence on this subject has revealed a certain divergence of view between the Admiralty and the Commonwealth Government as to the precise effect of the arrangement of 1909, which points to the need for further personal consultation. An opportunity for such consultation will be afforded by the conference on naval defence which it is hoped will be held at no very distant date. I trust that the result of that conference will be to place the question on a completely satisfactory basis for the future.

3. I am communicating with the Governments of Canada, the Union of South Africa, and Newfoundland in regard to the suggestion made by your Ministers in Lord Denman's telegram of the 23rd March|| that all the self-governing Dominions should be represented at the conference.

I have, &c.,

L. HARCOURT.

\* No. 44. † Enclosure in No. 38. ‡ Enclosure in No. 43. § No. 38. || No. 34.



26127/S

No. 49.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNORS.

[Answered by Nos. 53, 55, and 56.]

(Canada. No. 571.)  
(New Zealand. No. 320.)  
(Union of South Africa. No. 336.)  
(Newfoundland. No. 244.)

SIR,

Downing Street, 28th July, 1914.

WITH reference to my despatch No. [304] [170] [178] [132] of the 24th of April last,\* transmitting correspondence relating to the representation of the self-governing Dominions on the Committee of Imperial Defence and a proposed Naval Conference, I have the honour to request [Your Royal Highness] [Your Excellency] [you] to invite the attention of your Ministers to the suggestion of the Government of the Commonwealth of Australia, communicated in the Governor-General's telegram of the 23rd of March last,† that the question of naval defence should be discussed in 1915 at a conference at which all the self-governing Dominions should be represented.

2. His Majesty's Government will be glad to learn the views of your Ministers with regard to this suggestion.

I have, &c.,  
L. HARCOURT.

26127/S

No. 50.

## COLONIAL OFFICE to ADMIRALTY.

SIR,

Downing Street, 28th July, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th of July,‡ on the subject of the naval policy in the Pacific.

2. In reply, I am to request you to inform the Lords Commissioners of the Admiralty that, after full consideration, Mr. Harcourt has decided to address to the Governor-General of the Commonwealth of Australia the despatch§ of which a copy is enclosed, and which, their lordships will observe, differs slightly from the draft enclosed in the letter from this Department of the 10th ultimo.||

3. Mr. Harcourt has also addressed despatches,¶ of which copies are enclosed, to the Governors-General and Governors of the other self-governing Dominions, inviting an intimation of their views as to the suggestion made by the Government of the Commonwealth that the question of naval defence should be discussed next year at a conference at which all the self-governing Dominions should be represented.

4. I am to offer the following observations as to the reasons which have induced Mr. Harcourt to consider that the course taken is preferable to communicating to the Commonwealth Government the substance of your letter of the 19th of May last.\*\*

5. Mr. Harcourt gathers from the representations of the Prime Minister of the Commonwealth, a copy of which was enclosed in the letter from this Office of the 16th of April,†† and from the published statement of the Minister of Defence of the Commonwealth, a copy of which accompanied the letter from this Office of the 10th of June,|| that the grounds on which exception has been taken in the Commonwealth to the non-observance of the agreement arrived at at the Conference of 1909 are as follows:—

(1) In the first place, it is urged that the agreement of 1909 was arrived at, not for the purpose of meeting any immediate strategic need, but

with the intention of commencing a system to make permanent provision for the defence of the Pacific; that the Government of the Commonwealth have obtained the approval of the Parliament of the Commonwealth to carrying out this policy, so far as concerns Australia, on the faith that the Imperial part of the agreement of 1909 would be carried into effect, and that they are placed in a difficult position by the failure of the Imperial Government to make good the arrangement arrived at in 1909, as that failure destroys the basis on which the Parliament and the people of the Commonwealth had been induced to agree to the large expenditure necessary to carry out the present Australian scheme of naval defence.

(2) In the second place, the Government of the Commonwealth represent that the announcement of what they regard as a vital departure from an agreed policy was made, not only without any previous consultation with, but without even a preliminary notification to, the Commonwealth Government.

6. Mr. Harcourt is unable to find in your letter of the 19th of May\* any reply to the second of these complaints, namely, that the announcement of a change from the policy of 1909 was made without previous consultation with, or notification to, the Government of the Commonwealth of Australia. Mr. Harcourt assumes, therefore, that their lordships are not in a position to offer any explanation on this head and he feels that any reply which ignored this ground of complaint would be regarded, not without justice, as unsatisfactory by the Commonwealth Government.

7. As regards the other ground of complaint, the variation from the arrangement arrived at in 1909, I am to point out that it will not be regarded as a sufficient reply by the Government of the Commonwealth to say that the arrangements now made by their lordships are, in effect, superior to those contemplated in 1909. It is clear that it is recognized in the Commonwealth that the arrangement of 1909 was not based upon immediate strategic considerations, and the argument that strategic considerations have altered since the date of the agreement is not, therefore, a convincing reply to the representations of the Commonwealth Government. Their lordships, indeed, in the sixth paragraph of your letter of the 19th of May,\* take the view that the argument of the Commonwealth Government is that the Conference of 1909 dealt with the whole question on strategic grounds, but that letter was written before the receipt of the memorandum by the Minister of Defence, which shows that this view is incorrect.

8. In the eighth paragraph of your letter it is stated that their lordships do not concur in the view that the precise position of the China and East Indies Squadron was the subject of any definite compact. I am, however, to draw attention to the language used in your letter of the 15th of October last,‡ in paragraph 2 of which it was stated that the development of the general naval situation had caused their lordships, "in the interests of the Empire, unwillingly to defer carrying the arrangements into effect in the precise form contemplated," and it was argued that the dispositions made in the Pacific were "preferable to an exact adherence to the letter of those arrangements." A copy of this letter was communicated to the Governor-General of the Commonwealth in a despatch of the 17th of October,‡ and the substance was telegraphed to the Governor-General on the same date,§ and it would, no doubt, seem to the Commonwealth Government that the terms of this letter are not consistent with the expressions used in paragraph 8 of your letter of the 19th of May.\*

9. Mr. Harcourt feels, therefore, that on the materials supplied to him it would not be possible to produce an adequate answer to the complaints of the Commonwealth Government.

I am, &c.,  
JOHN ANDERSON.

\* No. 42. † No. 94 in Dominions No. 47. ‡ No. 96 in Dominions No. 47.  
§ No. 97 in Dominions No. 47.

\* No. 41. † No. 34. ‡ No. 47. § See No. 48. || No. 44. ¶ See No. 49. \*\* No. 42. †† No. 40.



28668

No. 51.

## NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4th August, 1914.)

[Copy to Admiralty, 14th August, 1914. L.F.]

(Confidential.)

SIR, Government House, Wellington, 15th June, 1914.  
I HAVE the honour to acknowledge the receipt of your Confidential despatch, dated 15th April,\* relative to the question of the inclusion in contracts for the carriage of His Majesty's mails of certain clauses for the purpose of advancing naval interests.

2. My Government have given careful consideration to the points raised in your despatch, and the Prime Minister informs me that the Post Office will do what is practicable to secure the objects sought when making any contract for sea mail carriage.

I have, &amp;c.,

LIVERPOOL,

Governor.

29427

No. 52.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8th August, 1914.)

[Copy to Admiralty, 17th August, 1914. L.F.]

(Confidential.)

SIR, Government House, Ottawa, 27th July, 1914.  
I HAVE the honour to forward, herewith, for your information, a copy of a letter from the Department of External Affairs, on the subject of the inclusion in contracts for the carriage of His Majesty's mails of certain clauses for the purpose of advancing naval interests.

I have, &amp;c.,

ARTHUR.

Reference to previous despatch: Colonial Office, Confidential (2), 15th April.\*

Enclosure in No. 52.

DEPARTMENT OF EXTERNAL AFFAIRS to SECRETARY to GOVERNOR-GENERAL.

SIR, Ottawa, 22nd July, 1914.  
WITH reference to the despatch to His Royal Highness from the Secretary of State for the Colonies, dated 15th April last, marked Confidential (2), in regard to the inclusion in contracts for the carriage of His Majesty's mails of certain clauses for the purpose of advancing naval interests, I have the honour to state that careful note has been made by the departments concerned of the representations contained in this despatch, which will receive full consideration before important mail-carrying contracts are placed with the shipping companies in future.

The Minister of Trade and Commerce reports that, in a contract about to be concluded with the Canadian Pacific Railway for a service between Liverpool and

\* No. 53.

Hong Kong, the following clause, known as the Admiralty Clause, has been inserted:—

## Admiralty Clause.

" 50. It is further understood and agreed:—

- (a) That on all steamships of the Company as may be named from time to time by the Minister, after consultation with the British Admiralty, the Company will be prepared to carry out such special arrangements as may be agreed upon between the Company and the Admiralty for self-defensive purposes.
- (b) That the Company will undertake to definitely encourage the officers and men in their employ to join either the Royal Naval Reserve or Royal Canadian Naval Volunteers, and give them facilities for putting in their annual drill or training, and the Company shall furnish, if so required by the Minister, a list of such officers and seamen that may belong to these services.
- (c) That the Company will furnish all their vessels with a modern equipment of signal apparatus and signal flashing lamps.
- (d) That the Company will undertake to encourage the Admiralty system of signalling with men-of-war, signal stations, and merchant vessels.
- (e) That the Company will instruct all their vessels to co-operate in the collection and distribution of naval intelligence."

I am to request that His Royal Highness be humbly moved to communicate the substance of the foregoing to Mr. Harcourt.

I have, &amp;c.,

W. H. WALKER,

Acting Under-Secretary of State  
for External Affairs.

34764

No. 53.

## NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12th September, 1914.)

(No. 148.)

SIR, Government House, St. John's, 1st September, 1914.  
WITH reference to your despatch, No. 244, of the 28th July,\* relating to the representation of the self-governing Dominions on the Committee of Imperial Defence and a proposed Naval Conference, I have the honour to inform you that my Ministers fully coincide in the suggestion which has been put forward in this connexion.

I have, &amp;c.,

W. E. DAVIDSON.

36116

No. 54.

## AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st September, 1914.)

[Copy to Admiralty, 24th September, 1914. L.F.]

(Confidential.)

SIR, Governor-General's Office, Melbourne, 10th August, 1914.  
REFERRING to your despatch, Confidential, dated 15th April, 1914,† relative to the question of the inclusion in contracts for the carriage of His Majesty's mails

\* No. 49. † No. 39.



of certain clauses for the purpose of advancing naval interests, I have the honour to inform you that no oversea mail contracts are in contemplation by the Commonwealth Postal Department at present, and that the date of expiry of its existing contract with the Orient Steam Navigation Company is February, 1920—unless the term be shortened or extended in special circumstances as provided in that contract.

2. With regard to Section 2 of paragraph 4 of your despatch wireless telegraphy is provided for in the contract with the Orient Company, as is also, to a certain extent, Section 8; provision in this respect being that the Administration may at any time during the agreement purchase the mail ships for the time being used for the purposes of that agreement; such purchase, of course, involving cancellation of the contract.

3. So far as the other matters referred to in the despatch are concerned, there is no objection on the part of the Commonwealth Postal Department to their being embodied in future contracts, provided, of course, that any additional expense involved thereby would be met by the Admiralty. If so desired, the Department would communicate with the Orient Company as regards Sub-Sections 1, 5, 6, and 7.

I have, &c.,

R. M. FERGUSON,  
Governor-General.

38150

No. 55.

# UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th October, 1914.)

(No. 695.)

SIR, Governor-General's Office, Cape Town, 11th September, 1914.  
I HAVE the honour to transmit to you herewith, with reference to your despatch No. 336, of the 28th July,\* a copy of a minute from Ministers, on the subject of the proposal by the Commonwealth Government that the question of naval defence should be discussed at a conference at which all the self-governing Dominions should be represented.

I have, &c.,

BUXTON,  
Governor-General.

Enclosure in No. 55.

MINISTERS to GOVERNOR-GENERAL.

(Minute No. 832.)

Prime Minister's Office, Pretoria, 1st September, 1914.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Acting Governor-General's minute No. 1/905, of the 22nd of August, in regard to the suggestion of the Commonwealth Government that the question of naval defence should be discussed at a conference at which all the self-governing Dominions should be represented.

Ministers have the honour to inform His Excellency that they are agreeable that this subject should be discussed at a conference to be held in 1915, and will make arrangements for the Union of South Africa to be represented at such a conference.

J. C. SMUTS.

\* No. 49.

45780

No. 56.

# NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 21st November, 1914.)

(No. 172.)

SIR,

Government House, Wellington, 12th October, 1914.

WITH reference to your despatch No. 320, of the 28th July,\* regarding the suggestion of the Government of Australia that the question of naval defence should be discussed in 1915 at a conference at which all the self-governing Dominions should be represented, I have the honour to inform you, by request of my Prime Minister, that the Government of New Zealand are prepared to be represented at any naval conference to be held in 1915, or on a later date.

I have, &c.,

LIVERPOOL,  
Governor.

48728

No. 57.

# NEW ZEALAND PARLIAMENTARY DEBATES.

7th October, 1914.

(Received in Colonial Office, 8th December, 1914.)

## COMMITTEE OF IMPERIAL DEFENCE.

1. MR. MYERS (Auckland East) asked the Prime Minister whether, in view of the fact that Mr. Perley, Acting High Commissioner for Canada, is now a member of the Committee of Imperial Defence in London, the New Zealand Government will make representations to the Home authorities asking that a similar privilege be accorded to the High Commissioner for New Zealand? (NOTE.—The Committee of Imperial Defence fulfils so important a part in the organization of the military and naval defence of the Empire, that the representation of New Zealand on this Committee would give our Dominion special facilities for obtaining reliable information at first hand on all matters affecting the defence of our shores.)

The Right Honourable Mr. MASSEY (Prime Minister) replied: "I feel sure the honourable gentleman's information is not correct. The only permanent member of the Committee of Imperial Defence is the British Prime Minister. He summons others as he deems advisable to attend the meetings of the Committee. The Home Government has already been notified that whenever a New Zealand Minister is in London he would be pleased to accept an invitation to attend the meetings of the Committee."

\* No. 49.



## APPENDIX.

17019/14

## STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE UNITED KINGDOM, INDIA, AND DOMINIONS.

N.B.—It has been assumed in each case that the population has increased at a uniform rate.

## UNITED KINGDOM.

Financial Year.	Population.	Military Expenditure.	Military Expenditure per Head of Population.	Naval Expenditure.	Naval Expenditure per Head of Population.	Military and Naval Expenditure per Head of Population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902—1903 ...	42,315,704	68,863,527	1 2 6½	31,003,977	0 14 7½	2 7 2½
1903—1904 ...	42,654,581	86,728,580	0 17 2½	35,709,477	0 16 8½	1 18 11½
1904—1905 ...	42,993,458	28,895,624	0 18 5½	86,859,681	0 17 1½	1 10 7
1905—1906 ...	43,332,385	28,478,863	0 13 1½	33,151,841	0 15 3½	1 8 5
1906—1907 ...	43,671,212	28,501,421	0 13 0½	31,472,087	0 14 4½	1 7 5½
1907—1908 ...	44,010,089	27,141,642	0 12 4	31,251,156	0 14 2½	1 6 6½
1908—1909 ...	44,348,966	26,859,299	0 12 1½	32,181,309	0 14 6	1 6 7½
1909—1910 ...	44,687,843	27,243,825	0 12 2½	35,784,015	0 15 11½	1 8 2
1910—1911 ...	45,026,721	27,549,491	0 12 2½	40,419,336	0 17 7	1 9 9½
1911—1912 ...	45,365,599	27,652,342	0 12 2½	42,414,257	0 18 8½	1 10 10½

## INDIA.

Financial Year.	Population* (excluding Native States).	Military Expenditure.	Military Expenditure per Head of Population.	Naval Expenditure.	Naval Expenditure per Head of Population.	Military and Naval Expenditure per Head of Population.
		£	£ s. d.	£		
1902—1903 ...	234,100,000	17,279,770	0 1 5½	354,843	Varies from ½d. to ½d.	Varies from 1s. 6d. to 1s. 9d.
1903—1904 ...	235,400,000	17,792,405	0 1 6½	348,418		
1904—1905 ...	236,700,000	20,279,195	0 1 8½	416,998		
1905—1906 ...	237,900,000	19,269,339	0 1 7½	407,300		
1906—1907 ...	239,200,000	19,655,150	0 1 7½	515,210		
1907—1908 ...	240,500,000	18,851,016	0 1 6½	397,338		
1908—1909 ...	241,700,000	19,251,479	0 1 7	351,509		
1909—1910 ...	243,000,000	18,734,626	0 1 6½	377,697		
1910—1911 ...	244,300,000	18,910,962	0 1 6½	354,080		
1911—1912 ...	245,500,000	19,192,752	0 1 6½	365,828		

\* The figures in this column are in round numbers and are only approximate.

## CANADA.

Financial Year.	Population.	Military Expenditure.†	Military Expenditure per Head of Population.	Naval Expenditure.	Naval Expenditure per Head of Population.	Military and Naval Expenditure per Head of Population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902—1903 ...	5,553,417	424,962	0 1 6½	38,880	0 0 1½	0 1 8
1903—1904 ...	5,735,519	641,768	0 2 3	56,038	0 0 2½	0 2 5½
1904—1905 ...	5,917,621	771,100	0 2 7	120,773	0 0 4½	0 2 11½
1905—1906 ...	6,099,723	1,105,983	0 3 7½	108,654	0 0 4½	0 3 11½
1906—1907 ...	6,281,825	858,032	0 2 8½	72,228	0 0 2½	0 2 11½
1907—1908 ...	6,463,927	1,396,476	0 4 4	120,721	0 0 4½	0 4 8½
1908—1909 ...	6,646,029	1,334,322	0 4 0½	105,796	0 0 3½	0 4 4½
1909—1910 ...	6,828,132	1,230,115	0 3 7½	185,485	0 0 6½	0 4 1½
1910—1911 ...	7,010,235	1,448,318	0 4 1½	498,562	0 1 5	0 5 6½
1911—1912 ...	7,192,338	1,557,510	0 4 3½	397,521	0 1 1½	0 5 5

† The amounts shown in this column have been taken from the Annual Returns of Military and Naval Resources.

## STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE UNITED KINGDOM, INDIA, AND DOMINIONS—continued.

## AUSTRALIA.

Financial Year.	Population.*	Military Expenditure.	Military Expenditure per Head of Population.	Naval Expenditure.	Naval Expenditure per Head of Population.	Military and Naval Expenditure per Head of Population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902—1903 ...	3,841,921	615,946	0 3 2½	149,621	0 0 9½	0 3 11½
1903—1904 ...	3,910,041	615,758	0 3 1½	239,899	0 1 2½	0 4 4½
1904—1905 ...	3,978,161	728,633	0 3 7½	205,966	0 1 0½	0 4 8
1905—1906 ...	4,046,281	718,252	0 3 6½	252,091	0 1 3	0 4 9½
1906—1907 ...	4,114,401	780,021	0 3 9½	255,774	0 1 2½	0 5 0½
1907—1908 ...	4,182,521	823,585	0 3 11½	511,159	0 2 5½	0 6 4½
1908—1909 ...	4,250,642	781,989	0 3 8	268,602	0 1 3	0 4 11
1909—1910 ...	4,318,763	1,204,446	0 5 6½	330,435	0 1 6½	0 7 1½
1910—1911 ...	4,374,138	1,539,400	0 7 0½	1,466,617	0 6 8½	0 13 9
1911—1912 ...	4,455,005	2,428,089	0 10 10½	1,595,605	0 7 1½	0 18 0½

\* For the sake of uniformity it has been assumed that the population increased at a uniform rate between the census of 1901 and the census of 1911. The figures differ slightly, however, from those used by the Commonwealth Government in the preparation of financial statements.

## NEW ZEALAND.

Financial Year.	Population.	Military Expenditure.	Military Expenditure per Head of Population.	Naval Expenditure.*	Naval Expenditure per Head of Population.	Military and Naval Expenditure per Head of Population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1902—1903 ...	795,890	254,110	0 6 4½	21,452	0 0 6½	0 6 11
1903—1904 ...	819,062	209,049	0 5 1½	21,523	0 0 6½	0 5 7½
1904—1905 ...	842,234	234,342	0 5 6½	40,742	0 0 11½	0 6 6½
1905—1906 ...	865,406	195,028	0 4 6	42,280	0 0 11½	0 5 5½
1906—1907 ...	888,578	167,639	0 3 9½	40,000	0 0 10½	0 4 8
1907—1908 ...	912,556	195,000	0 4 3½	40,000	0 0 10½	0 5 1½
1908—1909 ...	936,584	206,451	0 4 4½	40,000	0 0 10½	0 5 3
1909—1910 ...	960,512	195,323	0 4 0½	100,000	0 2 0½	0 6 1½
1910—1911 ...	984,490	219,009	0 4 5½	100,000	0 1 11	0 6 4½
1911—1912 ...	1,008,468	412,307	0 8 2	100,000	0 1 11½	0 10 1½

\* These figures do not include the cost of the battle cruiser presented by New Zealand under the New Zealand Naval Defence Act, 1909.

## SOUTH AFRICA.

Financial Year.	Population.	Military Expenditure.	Military Expenditure per Head of Population.	Naval Expenditure.	Naval Expenditure per Head of Population.	Military and Naval Expenditure per Head of Population.
		£	£ s. d.	£	£ s. d.	£ s. d.
1910—1911 ...	Europeans, 1,250,717	312,563	0 5 0	86,555	0 1 4½	0 6 4½
	Europeans and Natives, 5,853,926	—	0 1 0½	—	0 0 3½	0 1 4½
1911—1912 ...	Europeans, 1,276,242	341,427	0 5 4½	85,000	0 1 4	0 6 8½
	Europeans and Natives, 5,978,394	—	0 1 2	—	0 0 3½	0 1 5½



STATEMENT SHOWING POPULATION AND NAVAL AND MILITARY EXPENDITURE OF THE  
UNITED KINGDOM, INDIA, AND DOMINIONS—*continued.*

SOUTH AFRICA—*continued.*

N.B.—Since the compilation of the return the following additional figures have been received from the Union Government:—

Financial Year.	Population.	Military Expenditure.	Military Expenditure per Head of Population.	Naval Expenditure.	Naval Expenditure per Head of Population.	Military and Naval Expenditure per Head of Population.
1912—1913 ...	Europeans, 1,301,767	£ 727,248*	£ s. d. 0 11 2½	£ 85,000	£ s. d. 0 1 4	£ s. d. 0 12 6½
	Europeans and Natives, 6,092,862	—	0 2 4½	—	0 0 3½	0 2 8
1913—1914 ...	Europeans, 1,327,802	£ 950,022†	0 14 3½	£ 89,109†	0 1 4	0 15 7½
	Europeans and Natives, 6,214,720	—	0 3 0½	—	0 0 3½	0 3 4½

\* Unaudited. † Estimated.

NEWFOUNDLAND.

Financial Year.	Population.	Military Expenditure.	Military Expenditure per Head of Population.	Naval Expenditure.	Naval Expenditure per Head of Population.	Military and Naval Expenditure per Head of Population.
1902—1903 ...	223,117	Nil	Nil	£ 331	£ s. d. 0 0 2½	£ s. d. —
1903—1904 ...	225,171	Nil	Nil	296	Under a ½d.	—
1904—1905 ...	227,225	Nil	Nil	322	—	—
1905—1906 ...	229,279	Nil	Nil	197	—	—
1906—1907 ...	231,333	Nil	Nil	2,872*	0 0 2½	0 0 2½
1907—1908 ...	233,387	Nil	Nil	2,942†	0 0 3	0 0 3
1908—1909 ...	235,441	Nil	Nil	2,965	0 0 3	0 0 3
1909—1910 ...	237,495	Nil	Nil	2,920	0 0 2½	0 0 2½
1910—1911 ...	241,607	Nil	Nil	2,840	0 0 2½	0 0 2½
1911—1912 ...	243,661	Nil	Nil	3,213	0 0 3	0 0 3

\* Year 1906. † Year 1907.



CO 886/7/3

BRITISH AND FOREIGN BUREAU OF AERONAUTICS  
UNITED STATES AIR FORCE - AIRCRAFT

When the following aircraft have been received from the U.S. Air Force:

Model	Serial	Weight Pounds	Engine Horsepower	Speed Miles per hour	Range Miles	Altitude Feet
Boeing Stearman	100-100	2,400	100	100	100	10,000
Boeing Stearman	100-100	2,400	100	100	100	10,000
Boeing Stearman	100-100	2,400	100	100	100	10,000
Boeing Stearman	100-100	2,400	100	100	100	10,000
Boeing Stearman	100-100	2,400	100	100	100	10,000

For the U.S. Air Force

RECOMMENDATIONS

Model	Serial	Weight Pounds	Engine Horsepower	Speed Miles per hour	Range Miles	Altitude Feet
Boeing Stearman	100-100	2,400	100	100	100	10,000
Boeing Stearman	100-100	2,400	100	100	100	10,000
Boeing Stearman	100-100	2,400	100	100	100	10,000
Boeing Stearman	100-100	2,400	100	100	100	10,000
Boeing Stearman	100-100	2,400	100	100	100	10,000

For the U.S. Air Force



FURTHER CORRESPONDENCE  
RELATING TO THE  
TREATMENT OF ASIATICS IN THE  
DOMINIONS.

[NOTE: The correspondence is arranged in sections.]

AUSTRALIA AND NEW ZEALAND.

43030

No. 1.

QUEENSLAND.

COLONIAL OFFICE to FOREIGN OFFICE AND INDIA OFFICE.

[Answered by 1619 and 2630, concurring; not printed.]

SIR,

Downing Street, 3rd January, 1914.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before [Secretary Sir E. Grey] [the Marquess of Crewe], a copy of Act No. 12 of 1913 of the Parliament of Queensland, entitled "An Act to Amend 'The Pearlshell and Bêche-de-Mer Fishery Acts, 1881 to 1898,'"\* and to invite attention to Section 7 of the Act, which prohibits certain persons from holding licences or leases.

2. Subject to any observations which [Sir E. Grey] [the Marquess of Crewe] may have to offer, Mr. Harcourt proposes to inform the Governor of Queensland that His Majesty will not be advised to exercise his power of disallowance with respect to this Act.

3. A similar letter has been addressed to the [India Office] [Foreign Office].

I am, &c.,

H. W. JUST.

Enclosure in No. 1.

No. 12.

QUEENSLAND.

AN ACT TO AMEND "THE PEARL-SHELL AND BÊCHE-DE-MER FISHERY ACTS,  
1881 TO 1898."

[Assented to 29th October, 1913.]

\* \* \* \* \*

7. (1.) After the passing of this Act, it shall be unlawful for any person who has not first obtained in the prescribed manner a certificate of having passed the dictation test to hold any licence in respect of any ship or boat employed in the fishery, or any lease under "The Pearl-shell and Bêche-de-Mer Fishery Acts, 1881 to 1913."

Certain persons prohibited from holding licences or leases.

(2.) The Governor in Council may from time to time make regulations for the examination and granting to persons certificates of having passed the dictation test, for the exemption from the operation of this section of any person or classes of persons whom for any reason it is not considered necessary to examine, for the relief from the operation of this section, wholly or in part, of persons who are holders of licences or leases at the passing of this Act, and for facilitating and authenticating the observance of the provisions of "The Pearl-shell and Bêche-de-Mer Fishery Acts, 1881 to 1913."

Regulations

All such regulations shall, upon publication in the *Gazette*, have the same effect as if they were enacted in this Act, and shall not be questioned in any proceedings whatsoever.

All such regulations shall be laid before both Houses of Parliament within forty days after such publication if Parliament is then sitting, or, if not, then within forty days after the commencement of the next session thereof.

(3.) In this section, the expression "certificate of having passed the dictation test" means a certificate under the hand of a State officer, authorised for that purpose by the Treasurer, that, when the said officer has dictated to the person concerned not less than fifty words in such language as the Treasurer may direct, such person has correctly written them out in that language in the presence of the said officer.

Interpretation.

\* Section 7 reprinted only.



1936

No. 2.

AUSTRALIA: QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(Australia.)  
(Queensland.)  
(Confidential.)

[MY LORD,] [SIR,]

Downing Street, 22nd January, 1914.

WITH reference to my despatch [No. 711,] [No. 129,] of the 21st of November last,\* I have the honour to transmit to [Your Excellency,] [you,] for the confidential information of your Ministers, the accompanying copy of a despatch† from the Government of India to the Secretary of State for India on the subject of the Sugar Cultivation Act of 1913 of Queensland.

I have, &c.,

L. HARCOURT.

44758

No. 3.

NEW ZEALAND.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 10.]

(Confidential.)

SIR,

Downing Street, 24th January, 1914.

WITH reference to your letter of the 12th of December last,‡ I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of a despatch§ from the Governor of New Zealand, on the subject of the proposed immigration legislation of the Dominion.

2. Mr. Harcourt will be glad to receive any observations which Lord Crewe may desire to offer on the terms of the draft Bill.

I am, &c.,

H. W. JUST.

11410

No. 4.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28th March, 1914.)

[Copies to Foreign Office and India Office, 6th April, 1914. L.F.]

(No. 6.)

SIR,

Government House, Brisbane, 21st February, 1914.

WITH reference to your despatch No. 129 of 21st November last,|| I have the honour to enclose herewith six copies of the Regulations¶ that have been issued under "The Sugar Cultivation Act of 1913."

2. I am informed by my Acting Premier that no compensation has been applied for, but many exemptions have been granted to British Indian subjects.

3. The education test has, up to date, been applied to three persons, and certificates have been issued to the same number.

General exemption certificates have been issued to 1,064 persons.

4. These exemption certificates are issued only to persons actually engaged in the production or manufacture of sugar and who have resided in the Commonwealth for at least ten years.

\* Nos. 61 and 60 in Dominions No. 44.

† Enclosure in No. 57 in Dominions No. 44.

‡ 42864: not printed. § No. 64 in Dominions No. 44. || No. 60 in Dominions No. 44.

¶ Enclosure in No. 63 in Dominions No. 44.

3

It became known that in some of the first cases in which certificates were granted the grantees were not actually engaged in the sugar industry, and latterly, therefore, an affidavit has been required to the effect that an applicant is so engaged.

It is not expected that the number of these exemptions will exceed twelve hundred.

I have, &c.,

WM. MACGREGOR,  
Governor.

11405

No. 5

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copies to India Office, Board of Trade, and Local Government Board, 23rd April, 1914. L.F.]

[Answered by No. 29.]

(Confidential.)

MY LORD,

Downing Street, 21st April, 1914.

I HAVE the honour to request Your Excellency to inform your Ministers that I have been in communication with the Secretary of State for India, the Board of Trade, and the Local Government Board, on the subject of the Bill to amend the Immigration Restriction Act, 1908, the draft of which was enclosed in your Confidential despatch of the 19th of November last.\*

2. The Secretary of State for India informs me that, while he would see with regret your Government proceeding with such legislation, he has no observations to offer on the terms of the draft Bill in so far as it affects British Indian subjects.

3. His Majesty's Government desire, however, to invite the attention of your Ministers to the terms of Clause 3 of the Bill, which provides that where any person is, within two months after landing in the country, found to be (a) an idiot or insane, (b) suffering from a contagious disease which is loathsome or dangerous, he may be removed from New Zealand, and the master and owner of the ship by which he was brought to New Zealand shall be jointly and severally responsible for the expenses incurred in the removal of such person and his detention in New Zealand pending such removal. His Majesty's Government observe that the provision is of general application and that there is no saving of the rights of persons domiciled in New Zealand in the Bill, nor is there in the principal Act which it is proposed by the Bill to amend. It is, indeed, expressly provided by Section 17 of the principal Act that a person shall not be deemed to be a prohibited immigrant if he satisfies an officer that he is or was formerly domiciled in New Zealand. This provision, however, applies only in the case of persons who do not come within the meaning of paragraphs (b), (c) or (d) of Section 14 of the Act, under which (b) any idiot or insane person; (c) any person suffering from a contagious disease which is loathsome or dangerous; and (d) any person the date of whose arrival in New Zealand is earlier than two years after the termination of any imprisonment suffered by him in respect of any offence which, if committed in New Zealand, would be punishable by death or imprisonment for two years or upwards, not being a mere political offence, and no pardon having been granted, are declared to be prohibited immigrants. It is true that by Section 13 of the principal Act the Governor in Council is authorized to exempt any person or class of persons from the provisions of the Act relating to prohibited immigrants. But, so far as I am aware, advantage has not been taken of this section to exempt domiciled persons from those provisions.

4. His Majesty's Government submit that where a person has lawfully obtained a domicile in any part of His Majesty's Dominions, it is not desirable that he should be forbidden merely on the ground of ill-health, mental or physical, to return to the place of his domicile. This principle is already widely accepted throughout the Empire, and I should be glad if your Ministers could find themselves able on further consideration of the matter to adopt it in the case of New Zealand also. I enclose a pamphlet† giving the laws and regulations of Canada respecting

\* No. 64 in Dominions No. 44.

† Not reprinted.



immigration and immigrants, and your Ministers will observe from the provisions of Section 2 of the Immigration Act (see page 8 of pamphlet) that Canadian citizens and persons who have Canadian domicile as defined in that section are treated as belonging to the "non-immigrant classes." I also enclose a copy of the Immigrants Regulation Act of 1913\* of the Union of South Africa, which excludes from the class of prohibited immigrants persons born in the Union and persons domiciled in any Province with the exception of certain persons guilty of criminal offences. As your Ministers are doubtless aware, the immigration legislation of the Commonwealth does not contain any definition exempting persons domiciled from the operation of its provisions, but the law is restricted in its operation to persons who are immigrants proper, the Commonwealth Parliament having power to deal with immigration only and having no power to regulate the entry of persons who are domiciled in the Commonwealth.

I have, &c.,  
L. HARCOURT.

16184

No. 6

QUEENSLAND.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 7.]

SIR,

Downing Street, 23rd May, 1914.

WITH reference to your letter of the 13th of January,† I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a despatch‡ from the Governor of Queensland, forwarding copies of regulations made under section 7 (2) of the Pearl Shell and Bêche-de-mer Fishery Acts Amendment Act, 1913.

2. Sir Edward Grey will observe that, following the precedent of the Regulations under the Leases to Aliens Restriction Act of 1912 (see the letter from this Office of the 28th July, 1913§) and the regulations under the Sugar Cultivation Act of 1913 (see letter from this Office of the 6th ultimo¶), the Government of Queensland have inserted in the Regulations provisions for the exemption of Italian and Russian subjects and Colombian citizens from the operation of the Act, and have included a general exemption of persons between whose nation and the United Kingdom a Treaty conferring most-favoured-nation rights is in force.

3. Sir Edward Grey will observe that section 7 of the Regulations provides that "nothing in the Act or these Regulations shall apply to the following classes of persons and all such persons shall be exempted from the operation thereof." The section is clearly somewhat inaccurately worded, as it appears from the heading of the Regulations that its application must be read as confined to section 7 of the Act. Reading the Regulations in this sense, the position would appear to be as follows. Section 7 of the Act provides that no person shall hold a licence in respect of a ship or boat or a lease, unless he passes a dictation test. The Regulations prescribe the cases in which the dictation test is to be waived, but they obviously cannot add to the classes of persons who are entitled to licences or leases. Section 2 of Act No. 3 of 1898 (copy herewith) provides that no ship or boat shall be licensed unless owned wholly by natural-born British subjects, though this disability is modified to some extent by section 4 (5) of the Act of 1913, which provides that lessees need not take out ships' licences for pearling within demised areas. No disability is imposed on aliens as regards leases (see section 16 of Act No. 21 of 1891).

4. For the reasons explained in the correspondence which terminates with the letter from this Office of the 5th of September, 1913,¶ regarding the Papua Pearl Shell and Bêche-de-mer Ordinance of 1911, His Majesty's Government hold the view that fishery rights do not pass under Treaty except in virtue of an express grant. The provisions of section 2 of the Act of 1898 are, therefore, not contrary to Treaty, and, so far as ships' licences are concerned, there are no aliens who require to be exempted from the operation of section 7 of the Act of 1913.

\* See No. 33 in [Cd. 6940], July, 1913. † 16184: not printed. ‡ 16184: not printed.  
§ No. 34 in Australian No. 214. ¶ L.F. transmitting a copy of No. 4. ¶ 30514/13: not printed.

The only question which arises is whether leases for the purpose specified in section 16 of the Act of 1891 fall within the provisions of Treaties like Article 15 of the Treaty with Italy, which confer rights in respect of the acquisition of property. Mr. Harcourt is of opinion that such leases must be regarded as governed by the same principles as matters affecting the fishery. It would obviously create a very difficult position if it were to be held that general provisions had the effect of preventing, for example, the Government of Newfoundland from declining to make to aliens grants of land for fishery purposes.

5. Subject to the concurrence of Sir Edward Grey, Mr. Harcourt would accordingly propose to suggest to the Government of Queensland that paragraphs 4, 5, 6, and 7 (a) of section 7 of the Regulations should be omitted. Should it prove impossible to maintain the position as to the effect of the treaties adopted by His Majesty's Government, the provisions of paragraph 7 (c) are sufficiently wide to enable the Queensland Government to deal with any case of Treaty right.

6. Mr. Harcourt will at the same time explain to the Queensland Government that the Colombian Treaty is no longer in force in Australia.

7. I am to request that the enclosed volume of Queensland Laws may be returned with your reply.

I am, &c.,  
HENRY LAMBERT.

Enclosure in No. 6.

PEARL-SHELL FISHERY.

The Treasury, Brisbane, 19th February, 1914.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased, in pursuance of the provisions of "The Pearl-shell and Bêche-de-Mer Fishery Acts Amendment Act of 1913," to approve of the following Regulations.  
W. H. BARNES.

REGULATIONS UNDER SECTION 7 OF "THE PEARL-SHELL AND BÊCHE-DE-MER FISHERY ACTS AMENDMENT ACT OF 1913."

*Restricted application of Act and Regulations.*

7. Nothing in the Act or these Regulations shall apply to the following classes of persons, and all such persons shall be exempted from the operation thereof:—

- (1) All native-born residents of Australia of European descent.
- (2) All residents of Australia of European parentage.
- (3) All residents of Australia who are descended from any resident of the Continent of North America other than from any aboriginal native thereof or negro or aboriginal of African or Asiatic race.
- (4) Subjects of the Kingdom of Italy who are not of European race so long as the Treaty between His Majesty the King and the Kingdom of Italy, dated the fifteenth day of June, 1883, remains in force in Queensland.
- (5) Subjects of the Empire of Russia who are not of European race so long as the Treaty mentioned in the last preceding paragraph hereof and the Treaty between His Majesty the King and the Empire of Russia, dated the twelfth day of January, 1859, remain in force in Queensland.
- (6) Citizens of the Republic of Colombia so long as the Treaty mentioned in the last preceding paragraph but one hereof and the Treaty between His Majesty the King and the Republic of Colombia, dated the sixteenth day of February, 1866, remain in force in Queensland.
- (7) Any person not otherwise entitled to exemption under the foregoing provisions of this Regulation whom by reason of—
  - (a) the subsistence between the nation to which such person belongs and the United Kingdom of Great Britain and Ireland of a Treaty conferring most-favoured-nation rights and to which Queensland or the Commonwealth has acceded; or
  - (b) such person's long residence within Queensland or the Commonwealth; or
  - (c) any other circumstances satisfactory to the Treasurer
 it is not considered necessary to examine under the Act and these Regulations, and to whom the Treasurer has granted a certificate of exemption.



20720

No. 7.

QUEENSLAND.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th June, 1914.)

SIR,

Foreign Office, 6th June, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge receipt of your letter No. 16184/14, of the 23rd ultimo,\* respecting the regulations recently issued by the Queensland Government in pursuance of the Queensland Pearl Shell and Bêche-de-Mer Fishery Acts Amendment Act of 1913.

I am to state, for Mr. Secretary Harcourt's information, that Sir E. Grey agrees with the views therein expressed and concurs in the proposal to suggest to the Government of Queensland that paragraphs 4, 5, 6, and 7 (a) of section 7 of the Regulations should be omitted.

I am to return, herewith, the volume of Queensland Laws enclosed in your letter.

I am, &amp;c.,

A. LAW.

20720

No. 8.

QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 30.]

(No. 52.)

SIR,

Downing Street, 16th June, 1914.

I HAVE the honour to acknowledge the receipt of your despatch, No. 13, of the 27th of March,† forwarding copies of regulations issued under Section 7 of the Pearl Shell and Bêche-de-Mer Fishery Acts Amendment Act, 1913.

2. In reply, I have to request you to inform your Ministers that His Majesty's Government have adopted the view that rights affecting fisheries do not pass under treaties with foreign Powers, except in virtue of express stipulations in these treaties. His Majesty's Government consider, therefore, that it is unnecessary to exempt from the operation of Section 7 of the Act, the classes of persons mentioned in Sub-Sections (4), (5), (6), and (7) (a) of Section 7 of the regulations under Section 7 of the Act, and that it is undesirable that these exemptions should be accorded, since the express grant of the exemption on the ground of treaty rights might be used in future by a foreign Power in support of an argument that general provisions as to national or most-favoured-nation treatment contained in treaties are sufficient to carry rights of fishery.

3. I would suggest, therefore, for the consideration of your Ministers, that the sub-sections in question should be omitted. Should His Majesty's Government find it necessary in future to admit that fishery privileges do pass under the terms of the treaties in question, the provisions of Sub-Section (7) (c) would appear to be sufficient to enable an exemption from the provisions of Section 7 of the Act to be accorded.

4. I have to add that the treaty of 1866 with the Republic of Colombia ceased to be in force in Queensland on the 15th of April, 1914.

I have, &amp;c.,

L. HARCOURT.

\* No. 6.

† 16184: not printed.

20720

No. 9.

QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL OF AUSTRALIA.

(No. 382.)

SIR,

Downing Street, 16th June, 1914.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of correspondence\* with the Governor of Queensland, on the subject of the issue of regulations under Section 7 of the Pearl Shell and Bêche-de-Mer Acts Amendment Act, 1913.

I have, &amp;c.,

L. HARCOURT.

22110

No. 10.

NEW ZEALAND.

INDIA OFFICE to COLONIAL OFFICE.

(Received 18th June, 1914.)

SIR,

India Office, Whitehall, London, S.W., 17th June, 1914.

WITH reference to the correspondence ending with your Confidential letter of the 23rd April last, No. 11405,† I am directed by the Secretary of State for India in Council to forward, to be laid before Mr. Secretary Harcourt, copy of a telegram from the Government of India, on the subject of proposed New Zealand immigration legislation, and to say that His Lordship will be obliged if steps could be taken to meet the wishes of the Government of India.

I have, &amp;c.,

T. W. HOLDERNESS.

Enclosure in No. 10.

TELEGRAM FROM THE VICEROY, DATED 11TH JUNE, 1914.

WITH reference to announcement in Reuter's telegram of 30th May last that New Zealand Government will introduce this month legislation prohibiting immigration of Asiatics, we presume that Bill if different from that forwarded to us with Mr. Ferard's letter dated 30th January last‡ will not be passed till we have had an opportunity for expressing our views. We should be glad to receive copies of the Bill as soon as possible.

22110

No. 11.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to India Office, 20th June, 1914. L.F.]

(Secret.)

MY LORD,

Downing Street, 19th June, 1914.

WITH reference to my Confidential despatch of the 21st April,§ the Government of India have called the attention of the Secretary of State for India to a statement circulated by Reuter's Agency to the effect that the New Zealand Government have announced their intention of introducing legislation prohibiting the immigration of Asiatics into the Dominion.

2. His Majesty's Government presume that the reference is merely to the legislation which has formed the subject of correspondence terminating with my despatch under reference. Should any alteration of substance be made in the terms of the Bill of which a draft was transmitted in your Confidential despatch of the 19th November last,|| you will, no doubt, inform me immediately by telegraph.

I have, &amp;c.,

L. HARCOURT.

\* 16184, not printed, and No. 8.

† L.F. transmitting copy of No. 5.

‡ NOTE.—This transmitted copy of Colonial Office letter to India Office, dated 24th January, 1914, with enclosures, No. 3.

§ No. 5.

|| No. 64 in Dominions No. 44.



23518

No. 12.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1.9 p.m., 29th June, 1914.)

TELEGRAM.

[Copy to India Office, 1st July, 1914. L.F.]

[Answered by No. 13.]

(Paraphrase.)

REFERRING to previous correspondence with you on the subject of the immigration of Hindu coolies, my Prime Minister has informed me that he proposes to introduce a Bill the main proposal of which is an increased language test. I inform you thus early in case you desire to make any observations before introduction of the Bill. Please let me know.—LIVERPOOL.

23518

No. 13.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 1.30 p.m., 1st July, 1914.)

TELEGRAM.

[Copy to India Office, 1st July, 1914. L.F.]

(Paraphrase.)

WITH reference to your telegram 29th June.\* Do your Ministers intend to go further than the terms of the Bill enclosed in your Confidential despatch of the 19th November last?† If so, please communicate text of new provisions *in extenso* by telegraph.

*Secret.* I feel confident that your Ministers will bear in mind that it is undesirable in effecting object of exclusion coolie immigration to use terms in the Act which would aggravate the situation in India.—HARCOURT.

24253

No. 14.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1.23 p.m., 4th July, 1914.)

TELEGRAM.

[Answered by No. 19.]

CONFIDENTIAL. The Immigration Restriction Bill about to be introduced during present session of Parliament amends Immigration Restriction Act, 1908, referred to as the Principal Act and will commence from the 1st April next. Section 2 reads as follows:—

"Sub-section 1 of Section 14 of the Principal Act is hereby amended by repealing (a) exclusive of the proviso thereto and substituting '(a) any person who when asked to do so by an officer of customs fails to write out and sign in the presence of that officer in any European language selected by that person an application in such one of the prescribed forms as the said officer thinks fit, or who when asked as aforesaid fails in endeavour to write out in the presence of the said officer and append his signature to not less than 50 words in any such language dictated to him by that officer either

\* No. 12.

† No. 64 in Dominions No. 44.

personally or through an interpreter. Not more than twenty minutes shall be allowed for writing out any applications or words pursuant to this paragraph."

"Sub-section 1 of the said Section 14 is hereby further amended by adding the following paragraphs: '(aa) any person or class of persons deemed by the Minister on economic grounds or an account of standard or habit of life to be unsuited to the requirements of New Zealand; (e) any prostitute or any person who lives or has lived on or knowingly receives or has received any part of the earnings of prostitution or who procures or has procured women for immoral purposes.' Section 4 of the Immigration Restriction Act 1910 is hereby repealed."

Section 3 amends Section 15 of Principal Act by omitting words "of the last preceding section, but not coming within the meaning of paragraphs (b), (c) or (d) of that section," and substituting the words "of paragraph (a) of the last preceding section."

Section 4 stipulates that any person domiciled in New Zealand shall not be prohibited from landing.

Section 5 stipulates that where anyone is summarily after landing found to have been prohibited immigrant at the time of landing he can be removed from New Zealand, and that in case of anyone who is within two months after landing found to be idiot or insane, or suffering from loathsome or dangerous contagious disease contracted before arrival here, the owner and master of ship by which such person has been brought will be held liable for expenses incurred in removing such person from New Zealand and in detaining and maintaining him pending such removal. Provisions of Section 24 of the Principal Act will extend and apply to removal of every person to whom this section relates in same way as if he was prohibited immigrant save that (except in cases mentioned in last sentence) owner and master of ship by which person was brought to New Zealand shall not be liable for expenses incurred in respect of his removal from New Zealand. Master, owner, or agent of any ship who fails when requested by Minister to arrange for removal from New Zealand of any such person will be liable to a fine of £100.

Section 6 gives power to owner and master of ship to detain prohibited immigrant or Chinese on board ship until permission granted to land them.

Section 7 stipulates that where Chinese unlawfully land master and owner of ship liable. Section 32 of Principal Act amended by omitting words, "Such master (in addition to such sum) shall be liable to a fine not exceeding £50 for each such Chinese so landed or permitted to land or escape, and in addition". Section 42 of the Principal Act amended by omitting paragraph (b) of Sub-section 1 and by repealing Sub-section 3.

Section 8 stipulates that information may be laid within five years after date of offence.

Section 9 stipulates that burden of proof rests with immigrant.

Section 10 imposes fine of £100 for any breach of Act and anyone wilfully assisting person to unlawfully land will be liable in addition to £100 for cost of apprehension, maintenance, and detention in and removal from New Zealand; in the case of a Chinese to pay sum required by Section 31 of the Principal Act to be paid on landing of the Chinese. Section 25 of the Principal Act hereby repealed.

Section 11 amends Principal Act by omitting words "of internal affairs" wherever they occur in Sections 13, 15, and 24.—LIVERPOOL.

24253

No. 15.

NEW ZEALAND.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 17.]

SIR,

Downing Street, 10th July, 1914.

WITH reference to the letter from this Office of the 1st of July,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of a telegram† from the Governor of

\* L.F. transmitting copies of Nos. 12 and 13.

† No. 14.



New Zealand, on the subject of the Immigration Restriction Bill. A copy of the Act of 1908 referred to in this telegram is enclosed for convenience of reference, together with a copy of the Amending Act of 1910.

2. It will be observed that the provisions by which it is proposed to carry out the expressed purpose of excluding British Indians include—(a) a language test in a European language selected by the would-be immigrant, and (b) the grant of power to the Minister to exclude any person or class of persons deemed by him on economic grounds or on account of standard or habit of life to be unsuited to the requirements of New Zealand.

3. The first of these provisions is, of course, merely a slight modification of the existing law, and no exception can be taken to it. The second is open to objection, if (as happened recently in South Africa) the instructions given under it are to be published, but Mr. Harcourt feels that, in view of the fact that it is reproduced from Section 4 (1) (a) of the Immigrants Regulation Act, 1913, of the Union of South Africa, it is impossible for His Majesty's Government to object to its enactment by the New Zealand Parliament. Mr. Harcourt is, however, prepared, should Lord Crewe think it desirable, to represent to the New Zealand Government that it would be unnecessary if New Zealand adopted the plan in force in Australia under which the immigrant is not allowed to select his language, with the result that when the language test is applied it serves as an absolute bar to admission.

4. As it appears from a later telegram\* from the Governor of New Zealand that the Bill has actually been introduced into the New Zealand Parliament, Mr. Harcourt will be glad to receive any observations which Lord Crewe may have to offer at the earliest possible date with a view to their being telegraphed to the Governor of the Dominion.

I am, &c.,  
HENRY LAMBERT.

24253

No. 16.

NEW ZEALAND.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 18.]

SIR, Downing Street, 10th July, 1914.  
I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a telegram† from the Governor of New Zealand, on the subject of a Bill to amend the Immigration Restriction Act which has been introduced into the New Zealand Parliament, together with copies of letters‡ which have been addressed to the India Office and the Board of Trade on the subject.

2. Mr. Harcourt will be glad to receive any observations which Sir Edward Grey may desire to offer on the terms of the Bill.

I am, &c.,  
HENRY LAMBERT.

25758

No. 17.

NEW ZEALAND.

INDIA OFFICE to COLONIAL OFFICE.

(Received 14th July, 1914.)

SIR, India Office, Whitehall, London, S.W., 14th July, 1914.  
I AM directed by the Marquess of Crewe to acknowledge the receipt of Mr. Lambert's letter of the 10th instant, No. 24253,§ on the subject of the New Zealand Immigration Bill. His Lordship is not aware of any facts that would justify the conclusion that the existing law in New Zealand is inadequate to prevent the entrance of such persons as the Dominion Government consider to be unsuited to the requirements of New Zealand, and does not understand the necessity for the

sudden introduction of a measure explained by New Zealand Ministers as being specially directed against British Indians. If, however, it is inevitable that this legislation should be proceeded with, he agrees with Mr. Secretary Harcourt that the adoption of the Australian plan as regards the selection of language would be less invidious than the publication, if the Bill in its present form passes into law, of a notification excluding British Indian subjects *eo nomine*. He is consulting the Government of India by telegraph, but in the meantime hopes that Mr. Harcourt will make the representation which he suggests.

I have, &c.,  
T. W. HOLDERNESS.

25879

No. 18.

NEW ZEALAND.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16th July, 1914.)

[Answered by No. 23.]

SIR,

Foreign Office, 15th July, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 10th instant,\* with regard to the Bill to amend the Immigration Restriction Act recently introduced into the New Zealand Parliament.

Sir E. Grey agrees with the view on the second provision in this Bill expressed in the letter addressed by you to the Secretary of State for India.

The power to issue and publish instructions excluding any class of persons for economic reasons or on account of a standard or habit of life unsuited to the requirements of New Zealand would be undesirable from an international point of view if it were exercised against the subjects of a friendly Power such as Japan, and is, indeed, precisely the form of restriction to which—when applied to their nationals—the Japanese Government have taken exception in the past, and mere non-publication of such instructions would hardly be sufficient to obviate this objection.

Sir E. Grey would consequently be glad if Mr. Secretary Harcourt could make representations to the New Zealand Government in the sense suggested in paragraph 3 of your letter of 10th July† to the India Office.

I am, &c.,  
W. LANGLEY.

25758

No. 19.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 2.6 p.m., 16th July, 1914.)

TELEGRAM.

[Copy to India Office and Foreign Office, 17th July, 1914. L.F.]

[Answered by No. 20.]

(Paraphrase.)

CONFIDENTIAL. My telegram 8th July.‡ Secretary of State for India much regrets that further legislation aimed avowedly at exclusion of British Indians should be considered necessary. His Majesty's Government presume that it is contemplated to use power proposed to be conferred on Minister under Section 14 (1) so as to prevent entry of Indians. The new paragraph reproduces, it is observed, Section 4 (1) (a) of the South African Immigrants Regulation Act. His Majesty's Government were, however, placed in serious difficulty by the Minister's instructions that every Asiatic is to be regarded as undesirable on economic grounds being published in South Africa, and they would be greatly embarrassed if it should not prove possible to treat as strictly confidential any instructions that New Zealand Minister might issue as to manner in which non-

\* 24967: not printed. † No. 14. ‡ No. 15 and 24253: not printed. § No. 15.

\* No. 16. † No. 15. ‡ 24967: not printed.



paragraph is to be administered. If there is any possibility of publication of such instructions, it would, in the opinion of His Majesty's Government, be preferable to adopt instead the Australian plan of relying on language test alone. In Australia the choice of language is left to officer and not to immigrant. The Australian Government have recently informed me that the language test when applied is intended as an absolute bar to admission, and I understand that it so operates in practice.

I have no doubt that matter will receive further careful consideration from your Ministers in the light of the foregoing remarks.

I will communicate to you as soon as possible by telegraph any observations which we may have to offer on the other provisions of the Bill.—HARCOURT.

26432

No. 20.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1.50 p.m., 18th July, 1914.)

TELEGRAM.

[Copy to Foreign Office and India Office, 20th July, 1914.]

[Answered by No. 28.]

(Paraphrase.)

YOUR telegram 16th July,\* Immigration Bill. My Government is prepared to meet the views of His Majesty's Government by excluding paragraph 2 (1) (aa), with regard to persons or classes of persons deemed on economic grounds, or on account of standing or habits of life to be unsuitable. They are prepared to base the power of excluding Indians on a language test alone.

My Government will also make effective provisions against the exclusion of persons domiciled in New Zealand (see your despatch of the 21st of April†). Will the Imperial Government approve the Bill if these alterations are made? My Government are particularly anxious to proceed with the Bill, and at the same time to meet the wishes of the Imperial Government.

I have to request that I may receive, as soon as possible, a reply by telegraph.—LIVERPOOL.

26451

No. 21.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 20th July, 1914.)

[Copies to Foreign Office and India Office, 24th September, 1914. L.F.]

(Extract.)

(Secret.)

SIR,

Government House, Brisbane, 12th June, 1914.

*Aliens in the Sugar Industry in Queensland.*

In my despatch No. 6, of 21st February,† I enclosed, for your information, copies of the Regulations issued by this Government under "The Sugar Cultivation Act of 1913." It was stated there that exemption certificates had been issued to 1,064 persons that had been resident in the country for at least ten years, and are actually engaged in the production or manufacture of sugar. It was added that the total number of exemptions would not exceed about 1,200.

\* No. 19.

† No. 5.

‡ No. 4.

It was always foreseen that the question of exemptions, and the issue of certificates to coloured persons, would be a difficult and troublesome one. The Honourable John White, Minister for Agriculture, has faced the problem with an honest and honourable desire to act fairly and discreetly in this difficult matter, for he recognized fully that it would not be possible to meet the antagonistic wishes of the Labour Party and of, for example, the Japanese labourers.

How political party advantage can be taken, and no doubt will be taken, of the position will be gathered from the utterance of the Right Honourable Andrew Fisher, as reported in the *Courier* of the 24th April last (Appendix II.†), where he accuses the Queensland Government of a breach of faith by the improper issue of permits to aliens, and makes this a reason for passing "the Referenda."

The first note of alarm seems to have come from the half-yearly meeting of the Australian Sugar Producers' Association on 26th February last. A report of the speeches made there will be found in Appendix III.† It will be noticed that the Council is strongly opposed to alien labour. The Honourable Angus Gibson, a man held in high estimation in Queensland, stated that the claims of those concerned in the sugar industry for greater protection (that is for a duty of £7 a ton) would be jeopardized by the Regulations, which, as administered, permit the employment of more coloured labour than had been contemplated by the Legislature.

What transpired at the meeting mentioned above was brought to the notice of the Acting Premier by a newspaper reporter (see Appendices IV. and V.†), whereupon Mr. Barnes, who was not in possession of the facts, deemed the matter so urgent and important that it was at once discussed by Ministers. When more fully informed the Acting Premier issued an official statement (Appendix IV.†), in which it was pointed out: that treaty rights have to be respected; that the Regulation required a ten-years' residence, or an education test; that before this is given it has to be shown that the applicant has been engaged in the sugar industry; that the percentage of coloured labour in New South Wales is 5.12, in Queensland 6.08, in the Commonwealth 5.99; and that where coloured labourers are employed they have to be paid the same wages as are given to white men.

On the 2nd March the Acting Premier made an additional official statement (Appendix V.†), pointing out that every precaution was being taken to prevent fraud in granting exemptions; that the Act is of international importance, which made its allowance by the King a matter of serious consideration, as its provisions impinge so closely on treaty rights; and it would not have been allowed at all had these provisions gone further.

It will be gathered from this that Mr. White's colleagues support him in his administration of the Act; but the Consul-General of Japan desires better terms for the Japanese employed in the sugar industry; and the probabilities are that the Opposition will assail the Government for going too far in favouring coloured labourers.

I have been informed by private mill owners that in certain districts (Ayr, for example) the skilled workers, such as sugar boilers, were chiefly Japanese, and that the sudden exclusion of these men would have most seriously prejudiced their establishments.

The total number of permits up to date (14th June) is 1,578.

The education test has been applied to twelve persons, and twelve certificates have been issued.

There can be but little doubt that in the face of the opposition already raised and that is sure to follow, the administration of the Act and of the Regulations by the department will be made more rigorous as against the coloured labourer than it was up to near the end of February. But at the same time the Government will use every endeavour to administer the Act with discretion, and with as little hardship to aliens as possible.

I have, &amp;c.,

WILLIAM MACGREGOR

† Not reprinted.



26432

No. 22.

NEW ZEALAND.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 25.]

SIR,

Downing Street, 20th July, 1914.

WITH reference to the letter from this Office of the 17th of July,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of a telegram† from the Governor of New Zealand on the subject of the Immigration Restriction Bill, together with the draft of the reply‡ which, with the concurrence of Lord Crewe, it is proposed to return to the Governor.

I am, &amp;c.,

G. W. JOHNSON,

for the Under-Secretary of State.

26432

No. 23.

NEW ZEALAND.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by 26853: not printed.]

SIR,

Downing Street, 20th July, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th of July§ on the subject of the New Zealand Immigration Restriction Bill.

2. In reply I am to refer to the telegram|| to the Governor of New Zealand, which was enclosed in the letter from this Office of the 17th of July,\* and to transmit to you, to be laid before Secretary Sir Edward Grey, the accompanying copy of a telegram† which has been received from the Governor indicating the alterations which his Government are prepared to make in the Bill to meet the views of His Majesty's Government, together with a draft of the reply‡ which, with the concurrence of Sir Edward Grey, Mr. Harcourt proposes to return to this telegram.

-I am, &amp;c.,

G. W. JOHNSON,

for the Under-Secretary of State.

26764

No. 24.

NEW ZEALAND.

INDIA OFFICE to COLONIAL OFFICE.

(Received 22nd July, 1914.)

[Answered by No. 26.]

SIR,

India Office, Whitehall, London, S.W., 21st July, 1914.

WITH reference to the correspondence on immigration legislation in New Zealand, ending with your letter of the 17th instant, No. 25758,\* I am directed by the Marquess of Crewe to transmit, for the consideration of Mr. Secretary Harcourt, the enclosed copy of telegraphic correspondence with the Government of India.

It will be observed that the Government of India has special reasons for wishing to see a temporary postponement of the contemplated legislation. Lord Crewe has already expressed to Mr. Harcourt his doubt as to the justification of further restrictions, and I am to express his hope that the objections urged by the Government of India will receive sympathetic consideration from the New Zealand Government.

I have, &amp;c.,

T. W. HOLDERNESS.

\* L.F. transmitting copy of No. 19. † No. 20. ‡ See No. 28. § No. 18. || No. 19.

Enclosure 1 in No. 24.

FROM SECRETARY OF STATE to VICEROY, COMMERCE AND INDUSTRY DEPARTMENT.  
13th July, 1914.

P.—IMMIGRATION into New Zealand. Your telegram of the 11th June. Bill introduced. Governor now telegraphs, amending the 1908 Act by (1) insertion of a European language test in Section 14, the language to be selected by the immigrant; and (2) grant to Minister of power to exclude any class or person considered to be not suited to the requirements of New Zealand on account of habits or standard of life, or on economic grounds. The existing law is only slightly modified by amendment (1), while in amendment (2) the South Africa Act of 1913 is reproduced. It is feared, however, by the Colonial Office that instructions in which Hindus are declared unsuited will be published, and they propose to suggest that the plan adopted by Australia might be adopted by New Zealand. This plan does not leave the selection of the language to the immigrant.

I am representing that there appears to be no justification for the alteration of existing law, but that the plan proposed by the Colonial Office seems preferable if law must be altered. Please let me have your opinion by telegram.

Enclosure 2 in No. 24.

FROM VICEROY.

18th July, 1914.

P.—IMMIGRATION into New Zealand. Your telegram 13th July. We propose to address Your Lordship in the near future on the subject of emigration, and if our proposals bear fruit, the legislation proposed by New Zealand may eventually be unnecessary. We should therefore be glad if that Government could postpone the proposed legislation temporarily. We do not understand that circumstances justify restrictions more rigorous than those in force at present, or that the necessity of amending the law is pressing. Any legislation under which Hindus were held to be unsuitable immigrants we should view with apprehension, and, if the New Zealand Government are unable to defer legislation, we are in agreement with Your Lordship as to course preferable.

27003

No. 25.

NEW ZEALAND.

INDIA OFFICE to COLONIAL OFFICE.

(Received 24th July, 1914.)

SIR,

India Office, Whitehall, London, S.W., 23rd July, 1914.

WITH reference to Mr. Johnson's letter of the 20th instant, No. 26432,\* and to my letter of the 21st instant,† I am directed by the Marquess of Crewe to state, for the information of Mr. Secretary Harcourt, that, while he considers the alterations described in the Governor's telegram of the 18th instant‡ will improve the New Zealand Immigration Bill, he trusts that the Government of the Dominion will give full weight to the anxiety expressed by the Government of India for a temporary postponement of legislation.

I have, &amp;c.,

T. W. HOLDERNESS

\* No. 22.

† No. 24.

‡ No. 20.



26764

No. 26.

NEW ZEALAND.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 27.]

SIR, Downing Street, 24th July, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 21st of July,\* on the subject of immigration legislation in New Zealand.

2. In reply, I am to request you to inform the Marquess of Crewe that Mr. Harcourt considers that it is very undesirable now to suggest to the New Zealand Government that the proposed legislation should be withdrawn. It will be within Lord Crewe's recollection that the proposed legislation was originally to have been passed last year, but it was withdrawn as a concession to the wishes of the Indian Government. The Government of New Zealand, as appears from the Governor's telegram of the 18th of July,† a copy of which accompanied the letter from this Office of the 20th idem,‡ have consented to remove the feature of the legislation which was open to serious objection, and to confine the measure to enforcing a more stringent language test analogous to that which is in force in the Commonwealth of Australia. Mr. Harcourt fears that if this opportunity of settling the matter is not adopted, public opinion in New Zealand may insist on legislation of a more stringent character.

3. I am to add that the suggestion made by the Government of India in the Viceroy's telegram of the 18th of July,§ that the legislation on the subject of emigration which may be passed in India will obviate the necessity of legislation in New Zealand, appears to be based on a misapprehension of the reasons for the proposed New Zealand legislation. The agitation in the Dominion which has led to the introduction of this legislation is due, not to immigration direct from India, which could be controlled by legislation in India, but to immigration from Fiji; and the recent Canadian case of the "Komagata Maru" shows the possibility of attempts at immigration from Hong Kong or other ports outside India.

4. In the circumstances, I am to express Mr. Harcourt's hope that Lord Crewe will agree to the reply to the Governor of New Zealand of which a draft accompanied the letter from this Office of the 20th instant.¶ The terms of that draft have received the concurrence of the Secretary of State for Foreign Affairs.

I am, &amp;c.,

HENRY LAMBERT.

27704

No. 27.

NEW ZEALAND.

INDIA OFFICE to COLONIAL OFFICE.

(Received 29th July, 1914.)

SIR, India Office, Whitehall, London, S.W., 28th July, 1914.

WITH reference to Mr. Lambert's letter of the 24th instant, No. 26764,|| I am directed by the Marquess of Crewe to say that he recognizes the force of the considerations urged by Mr. Secretary Harcourt, with regard to the proposed immigration legislation in New Zealand, and has no further observations to offer at present. His Lordship is informing the Government of India of the concession made by the New Zealand Government.

I have, &amp;c.,

T. W. HOLDERNESS.

\* No. 24.

† No. 20.

‡ No. 22.

§ Enclosure 2 in No. 24. || No. 26.

26432

No. 28.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 6.32 p.m., 29th July, 1914.)

TELEGRAM.

[Copy to Foreign Office and India Office, 31st July, 1914. L.F.]

[Answered by 27990: not printed.]

(Paraphrase.)

YOUR telegram 18th July.\* If Bill is altered as proposed it will meet views of His Majesty's Government.

Presume obligation in Section 5, as summarized in your telegram 4th July,† on master, owner, or agent of ship to arrange for removal of persons mentioned from New Zealand applies only to master, owner, or agent of ship by which such persons were introduced; otherwise clause would be unprecedented and open to serious objection.—HARCOURT.

31336

No. 29.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 19th August, 1914.)

[Copy to India Office, 25th August, 1914. L.F.]

(Confidential.)

SIR, Wellington, 10th July, 1914.

I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 21st April,‡ on the subject of the proposal of the Government of New Zealand to introduce legislation amending the Immigration Restriction Act, 1908.

2. My Confidential telegram of 4th July† conveyed to you the terms of a new Bill which was being introduced into the House of Representatives, and in my despatch Confidential, of the 3rd July § I transmitted to you a copy of the proposed Bill.

3. In response to representations which I made to my Ministers on the subject, I received a memorandum from the Minister of Customs and Marine, of which a copy is enclosed, together with a minute from the same Minister explaining the reasons which led the Government to introduce the amending Bill referred to above. A copy of this minute is also enclosed, as well as a further copy of the Bill.

I have, &amp;c.,

LIVERPOOL,

Governor.

Enclosure 1 in No. 29.

(Confidential.)

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

Minister's Office, Customs and Marine, Pensions, &amp;c., 9th July, 1914.

I WOULD like to draw the attention of Your Excellency especially to the fact that very considerable care has been exercised in the drafting of this measure in order to, as far as possible, accomplish our object, free the Imperial Government from any embarrassment, and at the same time prepare the measure in such language as would be quite inoffensive to His Majesty's Indian subjects. I think we have been fairly successful in attaining this object. May I add also that I am sure the New Zealand Government will be very glad to do all it possibly can to meet with the wishes and requirements of His Majesty's Imperial Government?

F. M. B. FISHER,

Minister of Customs.

\* No. 20.

† No. 14.

‡ No. 5.

§ 30239: not printed.



(Confidential.)

THE Bill\* of which a copy is attached has no relation to the Bill which was referred to in the despatch of the 21st of April, 1914, from the Right Hon. the Secretary of State for the Colonies.

In conformity with the wishes of the Imperial Government, it was the intention of the New Zealand Government not to proceed with legislation relating to immigration, in view of the possible embarrassment which such legislation might offer to the Imperial Government. It has been found necessary, however, owing to the influx of Hindus into the Dominion of New Zealand, to take steps to prevent them coming in large numbers, if possible, and it is with that object the attached Bill has been drafted.

The absolute necessity of introducing this legislation has been forced upon the Government quite lately, and a draft Bill was submitted to the Crown Law Department and, as soon as possible afterwards, to Cabinet, where it was dealt with at the end of June, and a copy immediately transmitted to Your Excellency. But for this, a draft would have been submitted at a much earlier date for the purpose of transmission to the Right Honourable the Secretary of State for the Colonies.

For the information of Your Excellency, it might be advisable to point out that the necessity for this legislation arises from the fact that it has become practicable for the British-Indian subjects to make their entry into Fiji, where they are taught to imitate the letters of the alphabet sufficiently well to enable them to comply with the conditions of our existing law.

The Bill copy of which is attached proposes to overcome this by prescribing that a person wishing to enter the Dominion shall write out not less than fifty words dictated to him by an officer of the Customs Department. This will prevent the method hitherto adopted of permitting a candidate to make a literal copy of words and letters which convey to him neither sense nor meaning. Another disadvantage which arises from the existing law is that the prescribed forms which at present have to be copied are being sent out of New Zealand by certain interested persons, and intending immigrants are being instructed sufficiently to enable them to laboriously make a copy for the purpose of enabling them to pass the Customs Officer.

As regards paragraphs 3 and 4 [I have to report] that it has been the invariable practice of the New Zealand Government to admit under Section 13, by Order in Council, persons domiciled in New Zealand who returned thereto and who are subject to the provisions of paragraphs (b), (c), and (d) of Sub-section (1) of Section 14 of the principal Act; also that, as Section 17 is likely to convey a wrong impression as to the New Zealand practice, it has been included for amendment in the Bill affecting the Immigration Restriction Act, 1908, which is being brought before the House of Representatives, such amendment being to the effect that the words: "And also that he does not come within the meaning of paragraphs (b), (c), and (d) of Section 14 hereof" shall only apply to such persons as were formerly domiciled in New Zealand, and who are at the time of landing domiciled in another country, and that persons who are at the time of landing domiciled in New Zealand shall be permitted to land without restriction.

F. M. B. FISHER,  
Minister of Customs.

9th July, 1914.

10809

No. 30.

QUEENSLAND.

THE LIEUTENANT-GOVERNOR to THE SECRETARY OF STATE.

(Received 8th March, 1915.)

(Extract.)

(No. 3.)

SIR,

Government House, Brisbane, 23rd January, 1915.

WITH reference to your despatch No. 52, dated the 16th June last,† relative to the Regulations issued under Section 7 of "The Pearl Shell and Bêche-de-Mer

\* Not reprinted.

† No. 8.

Fisheries Act Amendment Act of 1913," I have the honour to inform you that I have now received from my Premier copies of amended Regulations, embodying the suggestions contained in your despatch, which I forward herewith.\*

I have, etc.,

ARTHUR MORGAN,  
Lieutenant-Governor.

Enclosure in No. 30.

## RESTRICTED APPLICATION OF ACT AND REGULATIONS.

8. NOTHING in Section 7 of the Act or these Regulations shall apply to the following classes of persons, and all such persons shall be exempted from the operation thereof:—

- (1) All native-born residents of Australia of European descent.
- (2) All residents of Australia of European parentage.
- (3) All residents of Australia who are descended from any resident of the continent of North America other than from any aboriginal native thereof or negro or aboriginal of African or Asiatic race.
- (4) Any person not otherwise entitled to exemption under the foregoing provisions of this Regulation whom by reason of any circumstances satisfactory to the Treasurer it is not considered necessary to examine under the Act and these Regulations, and to whom the Treasurer has granted a certificate of exemption.

24071

No. 31.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 405.)

SIR,

Downing Street, 15th June, 1915.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 72, of 31st March last,† transmitting copies of certain Papua Ordinances, including Ordinance No. XIV. of 1914 to amend the Pearl, Pearl Shell, and Bêche-de-Mer Ordinance, 1911.

2. I observe that Section 2 of this Ordinance imposes a disability on persons belonging "to the Asiatic race," and I should be glad if you would inform your Ministers that it would, in my opinion, have been more satisfactory if, instead of referring to Asiatics *nominatim*, provision had been made for dealing with the matter by an education test, as in the Commonwealth Immigration Law, which course was followed in the Queensland Regulations under the Pearl Shell and Bêche-de-Mer Fishery Acts Amendment Act of 1913, a copy of which was transmitted to you in my predecessor's despatch No. 181 of 24th March last.‡

I have, &amp;c.,

A. BONAR LAW.

CANADA.

44236

No. 32.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 3rd January, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 23rd of December,§ on the subject of the revised regulations regarding immigration into British Columbia.

2. In reply, I am to request you to inform Secretary Sir Edward Grey that the telegram on this question which Mr. Harcourt was about to despatch to the Governor-General of the Dominion of Canada was not sent.

I am, &amp;c.,

H. W. JUST.

\* Regulation 8 only printed.

† 22555: not printed.

‡ 10809: not printed.

§ No. 149 in Dominions No. 44.



No. 33.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th January, 1914.)

[Answered by No. 36.]

(No. 759.)

SIR, Government House, Ottawa, 29th December, 1913.  
I HAVE the honour to transmit, herewith, for your information, copies of an Order in Council, passed on the 8th instant, prohibiting, until after the 31st March, 1914, the landing at certain ports of entry in British Columbia of any of the following classes of immigrants, namely, artisans and labourers, skilled or unskilled.

I have, &c.,  
ARTHUR.

Enclosure in No. 33.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Monday, the 8th day of December, 1913.

(P.C. 2642.)

PRESENT:

HIS ROYAL HIGHNESS The Governor-General in Council.

HIS ROYAL HIGHNESS the Governor-General in Council, under and in virtue of the provisions of Sub-Section 3 of Section 38 of the Immigration Act, 9-10 Edward VII., and in view of the present overcrowded condition of the labour market in the Province of British Columbia, is pleased to make the following Order:—

From and after the date hereof, and until after the 31st day of March, 1914, the landing at any port of entry in British Columbia hereinafter specified of any immigrant of any of the following classes or occupation, viz.:—

Artisans;

Labourers, skilled or unskilled;

shall be, and the same is hereby, prohibited.

The following ports of entry in British Columbia are hereby designated as the ports of entry at which this Order shall apply:—

Vancouver	Douglas	Powell River
Victoria	Gateway	Paterson
New Westminster	Grand Forks	Aldergrove
Nanaimo	Huntingdon	Rykerts
Prince Rupert	Kamloops	Rossland
Port Simpson	Keremoos	Stewart
Anyox	Kingsgate	Union Bay
Atlin	Ladner	Upper Sumas
Bridgesville	Ladysmith	Pacific Highway
Chilliwack	Myncaster	Waneta
Chopaka	Midway	White Rock
Carson	Mission Junction	Steveston
Comox	Osoyoos	Whales Island
Cascade	Port McNicoll	
Chemainus	Ganges Harbour	

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

No. 34.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th January, 1914.)

[Copy to India Office, 19th January, 1914. L.F.]

(Confidential (4).)

SIR, Government House, Ottawa, 31st December, 1913.  
WITH reference to your Confidential despatch of the 26th November,\* forwarding a copy of a telegram received by the Secretary of State for India from a meeting of Hindustanis at Vancouver, regarding the deportation of thirty-nine Sikhs stated to have been detained at Victoria, I am informed that the Sikhs in question, having been refused entry into Canada on grounds of ineligibility under the provisions of the Immigration Act and regulations under that Act, thereupon appealed to the Courts and were released under *habeas corpus* proceedings. Thirty-five of these Sikhs were immediately set at liberty, and the remaining four, who were further detained for medical reasons, escaped from the Immigration Building at Victoria.

With reference to the grounds for objecting to their landing, I may observe that on their first examination at Victoria they all claimed to have previous domicile in Canada, but on a more careful examination they admitted that this statement was false. None of them had in his possession two hundred dollars, as is required of Asiatics, and they all came otherwise than by continuous journey from their own country. Their attempt to deceive and obtain entry on account of previous domicile was held to be an attempt to enter by misrepresentation under Sub-Section 7 of Section 33 of the Immigration Act. They were set at liberty by the decision of Chief Justice Hunter, of British Columbia, on the ground that Orders of His Royal Highness the Governor-General in Council relating to money and continuous journey are invalid, and that the rejection of these Sikhs for not complying with the provisions of Sub-Section 7 of Section 33, above-mentioned, was improper, because this provision was not quoted in notifying them of their rejection.

I may add that the general question raised as a result of this decision of the Courts is now engaging the attention of the Law Officers of the Crown.

I have, &c.,  
ARTHUR.

No. 35.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th January, 1914.)

[Answered by No. 52.]

(Secret.)

SIR, Government House, Ottawa, 31st December, 1913.

WITH reference to your Secret despatch of the 15th January last,† dealing with a conversation between the Secretary of State for Foreign Affairs and Baron Kato, with regard to the policy enforced by the Provincial Government of British Columbia of requiring that holders of timber licences should not employ Japanese or Chinese, and also as to a proposed change in the fishery regulations and policy for Fishery District No. 2 of the Province of British Columbia, I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada setting forth the views of my responsible advisers.

I have, etc.,  
ARTHUR.

\* No. 142 in Dominions No. 44.

† No. 82 in Dominions No. 44.



Enclosure in No. 35.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED  
BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 20TH DECEMBER, 1913.

P.C.3088.

THE Committee of the Privy Council have had before them a memorandum from the Secretary of State for External Affairs, dated 28th October, 1913, with reference to that portion of a secret despatch from the Secretary of State for the Colonies, dated 15th January, 1913, dealing with a conversation between the Secretary of State for Foreign Affairs and Baron Kato with regard to the policy enforced by the Provincial Government of British Columbia of requiring that holders of timber licences should not employ Japanese or Chinese, and also as to a proposed change in the fishery regulations and policy for Fishery District No. 2 of the Province.

The Minister submits a certified copy of a minute of the Executive Council of British Columbia, dated 14th July, 1913, hereto attached, dealing with the first-mentioned subject, which is one primarily of Provincial concern.

With reference to the fishery regulations for District No. 2, British Columbia, which were promulgated by the Dominion Government, the Minister observes that the fisheries under consideration are the salmon fisheries.

As salmon are taken only when on their way to the spawning grounds in the head waters of the rivers and streams up which they ascend, it is essential to allow a sufficient number of them to escape beyond the nets adequately to seed the spawning areas. Otherwise the fisheries would be depleted in a few years. Hence a limitation in the amount of fishing carried on is necessary. Owing to the remoteness of this portion of the Province, and to inadequate transportation facilities, it was not, until recently, feasible for fishermen permanently to reside there. Consequently the practice in years gone by was for the canners to arrange for the hiring of fishermen in the southern portion of the Province, and to send them to the fishing grounds at the opening of the season, bringing them back at its close. In 1908 and 1909 the canners began to vie with each other in the number of fishermen employed, and it became evident that over-exploitation of the fisheries was imminent. In order to enable the Department of Marine and Fisheries properly to deal with the situation, a special commission was appointed thoroughly to investigate the conditions obtaining and to report. This commission recommended the assignment of a fixed number of boats to each cannery in the District. This recommendation was approved, and a fishery regulation in accordance therewith adopted by Order in Council of 22nd December, 1910, copies of which are submitted herewith.

With better transportation facilities and the near approach to completion of the Grand Trunk Pacific Railway, the western terminus of which is Prince Rupert, conditions have rapidly changed in this District. Fishing industries of different kinds have been started, and the largest cold storage establishment in Canada for the carrying on of a trade in fish has been established in Prince Rupert. Fishing is now being carried on the year round, so that the time has come when a class of fishermen regarded as especially desirable by the Province should be encouraged permanently to settle in the District. The regulation above cited, while satisfactory to the canners, was not conducive to encourage the fishermen on their own account to take up fishing in the District.

Last year the whole matter was carefully reconsidered, and it was decided to abrogate the regulation of the 22nd December, 1910, and to replace it by one which would afford the same amount of protection to the fisheries, but which would not oblige the Department of Marine and Fisheries to issue the licences in connexion with any cannery. In order to promote the settlement of the class of fishermen above alluded to, it was determined, as a matter of departmental policy, to reserve a limited number of fishing licences in each area in this District No. 2 to be issued to such fishermen, independent of any canneries, and in order that the canners might be in a position to make their arrangements for the employment of the residue of the fishermen allotted to each area it was decided to issue the remainder of the licences in connexion with the different canneries as has been done heretofore.

The Minister submits a copy of the latest amended regulations, dated 19th November, 1912, which, it will be observed, in no way discriminate against British subjects resident in the Province, irrespective of origin.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to transmit a copy hereof, if approved, to the Right Honourable the Secretary of State for the Colonies for the information of His Majesty's Government.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

#### THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA.

Copy of a REPORT OF A COMMITTEE OF THE HONOURABLE THE EXECUTIVE COUNCIL, approved by His Honour the Lieutenant-Governor on the 14th day of July, A.D. 1913. TO HIS HONOUR THE LIEUTENANT-GOVERNOR IN COUNCIL.

THE Committee of Council have had under consideration the despatch from His Honour the Lieutenant-Governor of the 18th of June, 1913, stating that representations have been made to His Majesty's Embassy in Tokio by the Japanese Minister of Foreign Affairs on the subject of the policy recently enforced by the Provincial Government of requiring that holders of timber licences shall not employ Japanese or Chinese, and further, as to a proposed change in the fishery regulations and policy for Fishery District No. 2, which is designed to foster white fishermen on this coast.

The Honourable the Premier, to whom the despatch was referred, observes that he is of opinion that the Government should strictly adhere to the policy it has adopted with respect to both the subjects in question for reasons which he believes to be in accord with the social and economic welfare of the Province, and with well-understood and almost unanimous public sentiment.

That the considerations influencing the Government in the decision arrived at do not involve hostility in any sense to the subjects of Japan or China, or any desire to embarrass the Imperial authorities in dealing with their Governments.

That it is scarcely necessary to remark that for years the Government and legislators of British Columbia, as representing the clearly-expressed wishes of the electorate at various times, have been consistently and invariably opposed to the employment of Japanese and Chinese in competition with people of the white races. That, owing to different standards of living, the Caucasian element of our population is unable on terms fair to itself to compete in the labour market with the Oriental races. That experience in British Columbia and elsewhere, extending over 50 years, amply confirms this statement.

The Minister observes that he has on frequent occasions publicly endeavoured to make clear that such apparent discrimination is not intended to reflect upon Japanese and Chinese as being inferior to the white races. That it is entirely a matter of relative conditions rather than one of racial equality. That the Oriental standards of living—of civilization—belong to a distinct ethnographical zone, and are unsuitable for transplantation to this continent, where a different standard prevails. That the two must, and do, come into conflict, and so far as the white race is concerned the question resolves itself ultimately into an alternative of maintaining a standard essential to social peace and a uniform prosperity, or that of accepting a reduced scale of wage and, as a consequence, a different plane of living.

That as to the employment of Orientals in the capacities referred to in His Honour's despatch, the Minister observes that the question is one purely domestic in its nature, and wholly within the jurisdiction of the Province. That as to in what manner the regulations will affect the Japanese and Chinese at present, or in the past, engaged in the lumbering and fishing industries should not influence the decision of the Government, based as it is upon the considerations of the public welfare and upon the superior merits of the case. That the suggestion that a language test or some other indirect means be adopted to avoid discrimination has had careful consideration, but it is obvious that a language test is easily overcome and exceedingly difficult to enforce.

The Committee concur in the foregoing report as expressive of the views of the Government with regard to the matters mentioned in His Honour's despatch, and advise that a copy of this minute, if approved, be forwarded to the Honourable the Secretary of State for Canada for transmission to the Right Honourable the Secretary of State for the Colonies.

A. E. McPHILLIPS,  
Presiding Member of the Executive Council.

Certified:  
HENRY ESSON YOUNG,  
Clerk: Executive Council



AT THE GOVERNMENT HOUSE AT OTTAWA.  
Thursday, the 22nd day of December, 1910.

PRESENT.

HIS EXCELLENCY the Governor-General in Council.

P.C.2453.

HIS EXCELLENCY in Council, in order to prevent an over-exploitation of the salmon fisheries of British Columbia, and the consequent depletion thereof, by the number of boats, and gill-nets and seines used in connexion with the various canneries and curing establishments being unduly increased, is pleased to order, under the provisions of Section 54 of the Fisheries Act, Chapter 45 of the Revised Statutes of Canada, 1906, and it is hereby ordered, as follows:—

1. Section 11 of the Fishery Regulations for the Province of British Columbia, adopted by Order in Council of the 12th March, 1910, is hereby amended by adding thereto the following sub-section:—

(4) In Fisheries District No. 2, British Columbia, no boats shall be allowed to engage in salmon fishing except under licence from the Minister of Marine and Fisheries, and in connexion with the following named salmon canneries or salmon-curing establishments not more than the number of boats, drag or purse-seines stated opposite thereto shall be licensed:—

Skeena River—						115 boats
Balmoral Cannery	...	...	...	...	...	89
Claxton	...	...	...	...	...	89
Oceanic	...	...	...	...	...	89
British American	...	...	...	...	...	70
Inverness	...	...	...	...	...	70
Carlisle	...	...	...	...	...	70
North Pacific	...	...	...	...	...	60
Cunningham	...	...	...	...	...	57
Dominion	...	...	...	...	...	55
Cassiar	...	...	...	...	...	55
Skeena River Commercial	...	...	...	...	...	31
Alexandria	...	...	...	...	...	850 boats
Rivers Inlet—						130 boats
Wadham's Cannery	...	...	...	...	...	107
Brunswick	...	...	...	...	...	107
Rivers Inlet	...	...	...	...	...	95
Good Hope	...	...	...	...	...	89
Beaver	...	...	...	...	...	86
Strathcona	...	...	...	...	...	86
Kildala	...	...	...	...	...	700 boats
Naas River—						60 boats
Mill Bay Cannery	...	...	...	...	...	60
Naas Harbour	...	...	...	...	...	60
Port Nelson	...	...	...	...	...	60
Arrandale	...	...	...	...	...	60
						240 boats
Bella Coola	...	...	...	...	...	70 boats
Kimsquit	...	...	...	...	...	40
Manitou	...	...	...	...	...	40
Smith's Inlet	...	...	...	...	...	25
						1 purse-seine
						8 drag-seines
Namu	...	...	...	...	...	25 boats
						1 purse-seine
						8 drag-seines
Lowe Inlet	...	...	...	...	...	13 seines

2. Sub-Section 5 of Section 16 of said regulations is hereby rescinded.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

EXTRACT FROM THE "CANADA GAZETTE," OF SATURDAY, NOVEMBER 30TH, 1912.  
ORDER IN COUNCIL.

[3216]

AT THE GOVERNMENT HOUSE AT OTTAWA.  
Tuesday, the 19th day of November, 1912.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

His Royal Highness the Governor-General in Council, in virtue of the provisions of Section 54 of The Fisheries Act, Chapter 45 of the Revised Statutes of Canada, 1906, is pleased to order as follows:—

Sub-Section 2 of Section 8 of The Fishery Regulations for the Province of British Columbia, established by Order in Council of the 12th March, 1910, which Sub-Section provides a close season for herring fishing, is hereby rescinded and the following substituted therefor:—

"(2) The Chief Inspector of Fisheries shall have authority to prohibit fishing for herring in any water area in which he has ascertained that herring are spawning."

Section 9 of The Fishery Regulations for the Province of British Columbia, established by Order in Council of the 12th March, 1910, which Section provides a close season for halibut fishing, is hereby rescinded.

Sub-Section 4 of Section 11 of The Fishery Regulations for British Columbia, which Sub-Section was established by Order in Council of the 22nd December, 1910, and also the Order in Council of the 9th March, 1912, amending this Sub-Section, as well as adding Sub-Section 10 to Section 19 of the said Regulations, is hereby rescinded and the following substituted therefor:—

"4. (a) In Fisheries District No. 2, British Columbia, no boat shall be allowed to engage in salmon fishing, except when licensed to do so by the Minister of Marine and Fisheries.

"(b) In the following districts not more than the number of boats stated opposite their names shall be licensed:—

Naas River District	...	...	...	...	...	240 boats.
Skeena River	...	...	...	...	...	850 "
Butedale River	...	...	...	...	...	60 "
Bella Coola	...	...	...	...	...	70 "
Dean Channel	...	...	...	...	...	80 "
Namu	...	...	...	...	...	25 "
Rivers Inlet	...	...	...	...	...	700 "
Smith Inlet	...	...	...	...	...	25 "

"(c) For the purposes of this Sub-Section these districts shall be taken to mean and include:—

"Naas River:—

"The estuary of the Naas River, as well as Observatory Inlet to a straight line drawn across it at a point five miles up the said Inlet from North Point, at the mouth of the Naas River, as well as Portland Inlet from a straight line drawn across it from Three Point on Pearse Island to Dog-fish Bay, on the opposite shore, down to a straight line drawn from Wales Point, on Wales Island, to the south-western end of Somerville Island.

"Skeena River:—

"The estuary of the Skeena River and the adjacent waters, inside of a straight line drawn from Straight Point, on Digby Island, to Riel Point on Stephens Island; thence along the eastern shore of Stephens and Prescott Islands to western side of Refuge Bay, on Porcher Island; thence around the shore of said Island to a point opposite the north end of Elizabeth Island; thence to the north-western end of Kennedy Island; thence along the western shore of said Island and of Marrack Island; thence in a south-easterly direction to the shore of the mainland.

"Butedale:—

"Gardner's Canal.

"Bella Coola:—

"North Bentick Arm, South Bentick Arm and Burke Channel down to a straight line drawn across it from Kelpa or Low Green Point in a northerly direction to the opposite shore

"Dean Channel:—

"Dean Channel, down to a straight line drawn in a south-easterly direction from Sunny Island to the opposite shore.

"Namu:—

"Fitz-Hugh Sound from a straight line drawn across it from the south end of Addenbrooke Island, northwardly to a straight line drawn across Fisher Channel from Charlie Point in an easterly direction to the opposite shore, not including Burke Channel.

"Rivers Inlet:—

"Rivers Inlet down to a straight line drawn from Swan Rock to Canoe Rocks.

"Smith Inlet:—

"Smith Inlet and Smith Sound, down to a straight line drawn from False Egg Island to Ann Island, and from the southern shore of Table Island to Good Shelter Cove on the mainland."

Sub-Section 13 of Section 16 of the Fishery Regulations for British Columbia, which Sub-Section was established by Order in Council of the 14th March, 1911, is hereby rescinded, and the following substituted therefor:—

"13. No one shall use a motor boat or a boat propelled otherwise than by oars or sails in salmon gill-net or drift-net fishing operations in District No. 2."

RODOLPHE BOUDREAU,

Clerk of the Privy Council.



1115

No. 36.  
CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by No. 46.]

(No. 46.)

SIR, Downing Street, 17th January, 1914.  
I HAVE the honour to acknowledge the receipt of Your Royal Highness's despatch No. 759 of the 29th of December,\* forwarding copies of an Order in Council of the 8th of December, prohibiting the landing at certain ports of entry in British Columbia of artisans and labourers, skilled and unskilled.

2. As regulations restricting or prohibiting immigration are of great interest to His Majesty's Government, I have to inquire whether arrangements can conveniently be made for me to be informed of any such regulations by telegraph. His Majesty's Government appreciate the action of your Ministers in informing them by telegraph beforehand of the intention to issue the Order now reported, but they would have been grateful if a further telegram could have been sent when effect had been given to that intention.

I have, &c.,  
L. HARCOURT.

1115

No. 37.  
CANADA.

COLONIAL OFFICE to INDIA OFFICE AND FOREIGN OFFICE.

SIR, Downing Street, 19th January, 1914.  
WITH reference to the letter from [this Office of the 17th of December†] [the Foreign Office of the 23rd December‡], I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [the Marquess of Crewe] [Secretary Sir E. Grey], the accompanying copy of correspondence§ with the Governor-General of Canada, on the subject of the Order in Council of the 8th of December, prohibiting until after the 31st of March next the landing at any port of entry in British Columbia of artisans and labourers, skilled or unskilled.

I am, &c.,  
H. W. JUST.

2726

No. 38.  
CANADA.  
INDIA OFFICE to COLONIAL OFFICE.  
(Received 23rd January, 1914.)

SIR, India Office, Whitehall, London, S.W., 22nd January, 1914.  
I AM directed by the Secretary of State for India to enclose, for the information of Mr. Secretary Harcourt, a paraphrase of a telegram from the Government of India, requesting information regarding amended regulations in restriction of Oriental immigration reported to have been made by the Canadian Government.  
The Marquess of Crewe would be much obliged if Mr. Harcourt could supply him with as full information on the subject as may be procurable as soon as possible.

I have, &c.,  
J. E. FERARD.

Enclosure in No. 38.

FROM VICEROY, COMMERCE AND INDUSTRY DEPARTMENT, 19TH JANUARY, 1914

P.—REUTER's telegram No. 127, London, dated 17th January, reports as regards Indians in Canada that the regulations restricting Oriental immigration have been so amended by Canadian Government as to remove technical defects under which Order of Court released recently several Indians held for deportation. What is the precise nature or effect of the amendment is not clear from message. We shall be glad to receive full information on the subject as soon as possible, as news is likely to evoke much criticism in India.

\* No. 33. † No. 148 in Dominions No. 44. ‡ No. 149 in Dominions No. 44. § Nos. 33 and 36.

2973

No. 39.  
CANADA.

INDIA OFFICE to COLONIAL OFFICE.

(Received 26th January, 1914.)

SIR, India Office, Whitehall, London, S.W., 24th January, 1914.

WITH reference to Sir H. Just's letter of the 17th ultimo, No. 42611,\* I am directed by the Marquess of Crewe to transmit, for the consideration of Mr. Secretary Harcourt, a copy of a letter from the Government of India in which it is explained that there was no intention of asking the Dominion of Canada to adopt measures which would have the effect of discriminating in favour of British Indians, but the suggestion is made that the wives and minor children of all domiciled persons might be exempted from the operation of the system which restricts immigration into the Dominion. The correspondence cited by the Government of India in the first paragraph consists of Sir H. Just's letter of the 18th October last, No. 35965/1913,† with its enclosures.

His Lordship trusts that Mr. Harcourt will see no objection to communicating the Government of India's letter to the Dominion Government.

I have, &c.,  
T. W. HOLDERNESS.

Enclosure in No. 39.

No. 86 of 1913.

GOVERNMENT OF INDIA : DEPARTMENT OF COMMERCE AND INDUSTRY : EMIGRATION.

MY LORD MARQUESS, Delhi, 25th December, 1913.

WE have the honour to acknowledge the receipt of Mr. Seton's letter No. J. and P. 4026, dated the 12th November, 1913, from which we learn that the Government of the Dominion of Canada are not prepared to accede to the request which we made in our despatch No. 34, dated the 3rd July, 1913, for the admission of the wives and children of British Indians resident in Canada. The Canadian Government's decision is contained in a Privy Council Minute of the 29th September last, which has received the approval of the Administrator and a copy of which was forwarded to us with the letter under reply.

2. We fear that the Canadian Government are under some misapprehension regarding our wishes in the matter. It was not our object to press for any measures discriminating in favour of British Indians, and we quite appreciate the Ministers' objection to such a course. But the object which we desire to gain might be secured either by an amendment of the law exempting the wives and minor children of all domiciled persons from the category of prohibited immigrants, or, if legislation is considered undesirable, by a modification of the Order in Council, prescribing the condition of a continuous journey, so as to exempt the wives and children of all domiciled persons, without distinction of race, from the necessity of complying with that regulation.

3. We regret that an expedient of the nature above described has apparently not suggested itself to the Canadian Government, and we would urge that this aspect of the case should be brought to their notice. As Your Lordship is aware, we have always regarded the enforced separation of Indians residing in Canada from their families which is entailed by the "continuous journey" clause as a most objectionable provision of the law, and we would ask that the matter should again be pressed upon the Canadian Government in the light of the observations which we have offered above.

We have, &c.,

O'MOORE CREAGH,  
HARCOURT BUTLER,  
S. A. IMAM,  
W. H. CLARK.

To the Most Honourable

The Marquess of Crewe, K.G.

His Majesty's Secretary of State for India.

\* No. 148 in Dominions No. 44.

† No. 127 in Dominions No. 44.



2726

No. 40.  
CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 1.55 p.m., 24th January, 1914.)

TELEGRAM.

[Copy to India Office, 27th January, 1914. L.F.]

[See No. 54.]

PRESS reports state that recent amendments have been made in immigration regulations in view of decision in British Columbia case of Hindu immigration. Should be glad to have by telegraph full text of amendments.—HARCOURT.

1452

No. 41.  
CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 47.]

SIR,

Downing Street, 27th January, 1914.

WITH reference to the letters from this Department of the 16th January and 27th August, 1913,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir Edward Grey, a copy of a despatch† from the Governor-General of Canada, forwarding the reply of his Ministers to the representation made by Baron Kato in January, 1913, with regard to the policy enforced by the Provincial Government of British Columbia of requiring that holders of timber licences should not employ Japanese or Chinese, and also as to a proposed change in the fishery regulations and policy for Fishery District No. 2 of the Province of British Columbia.

2. Mr. Harcourt would suggest, for the consideration of Sir Edward Grey, that the explanation given by the Dominion Government should be communicated to the Japanese Government.

I am, &c.,

HENRY LAMBERT,  
for the Under-Secretary of State.

2973

No. 42.  
CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to India Office, 4th February, 1914. L.F.]

(Confidential.)

SIR,

Downing Street, 4th February, 1914.

WITH reference to my Confidential despatch of the 17th December last,‡ I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, a copy of a despatch§ from the Government of India relative to the question of the admission into Canada of the wives and children of British Indians resident in the Dominion.

2. I shall be glad if your Ministers will give careful consideration to the suggestion now made by the Government of India.

I have, &c.,

L. HARCOURT.

\* L.F. transmitting copy of Nos. 82 and 121 in Dominions No. 44. † No. 35.

‡ No. 146 in Dominions No. 44.

§ Enclosure in No. 39.

5001

No. 43.  
CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 10th February, 1914.)

[Answered by L.F. transmitting copy of No. 45.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith for observations copy of a note from the Chinese Minister, dated 2nd February, 1914, respecting Canadian immigration restrictions.

Foreign Office,

9th February, 1914.

Enclosure in No. 43.

THE Chinese Minister presents his compliments to His Britannic Majesty's Principal Secretary of State for Foreign Affairs and has the honour to inform His Excellency that he has received a telegram from the Wai-Chiao Pu in Peking regarding the question of restricting Chinese immigration into Canada, now occupying attention in that country.

The regulations bearing on the subject are felt by the Chinese affected to be harsh in their operation and to require modification.

The Chinese Government would propose, therefore, to delegate Mr. Yang Shu-wen, the present Consul-General at Ottawa, to discuss the question with the Canadian Government and if possible to arrive at modifications in existing regulations which will be satisfactory to both sides.

The Minister, in accordance with his instructions, would ask Sir Edward Grey to be so good as to move the Colonial Office to request the Canadian Government to discuss the whole question with Mr. Yang Shu-wen, who will be fully instructed as to the modifications in existing immigration rules and practice which are desired.

Chinese Legation,

2nd February, 1914.

5277

No. 44.  
INDIA OFFICE to COLONIAL OFFICE.

(Received 11th February, 1914.)

WITH the compliments of the Under-Secretary of State for India  
India Office,

11th February, 1914.

Enclosure in No. 44.

H. A. F. LINDSAY, ESQUIRE, I.C.S., UNDER-SECRETARY TO THE GOVERNMENT OF INDIA, to THE SECRETARY, JUDICIAL AND PUBLIC DEPARTMENT, INDIA OFFICE.

(No. 526-3-c.)

Department of Commerce and Industry (Emigration),

Delhi, 15th January, 1914.

SIR,

WITH reference to the correspondence ending with the despatch from the

1. Memorial from Indians in Canada, dated the 9th January, 1913.
2. Letter from the Government of the Punjab, No. 1097, C. and L., dated the 10th December 1913, and encls.
3. Memorial to the Government of Canada from the Delegates of the United India League and the Khalsa Diwan Society, Vancouver, dated the 15th December, 1911.

Government of India, No. 86, dated the 25th December, 1913, I am directed to forward, for the information of the Most Honourable the Secretary of State for India, and for such action as may be deemed fit, a copy of the papers noted on the margin, on the subject of the grievances of British Indians in Canada.

2. I am also to enclose a copy of the Viceroy's reply to the Sikh deputation from Canada, who waited on His Excellency on the 20th December, 1913.

I have, &c.,

H. A. F. LINDSAY,  
Under-Secretary to the Government of India.



Khalsa Diwan Society, Sikh Temple, Vancouver, British Columbia, 1008  
YOUR EXCELLENCY:— 9th January, 1913.

WE, the Sikhs and Hindustanese in British Columbia, Canada, beg to state that in November, 1911, we sent our delegation to the Dominion Government at Ottawa, to lay our grievances, as summed up in our representations filed herewith, before the Minister of the Interior.

On 15th December, 1911, our delegation was formally told by Honourable R. Rogers, that the first part of our representations—*re* the admission of our wives and children—shall be immediately attended to, and the other parts settled in a just and straightforward manner.

Over a year has elapsed since then, and in spite of several reminders sent by the Canadian Government, no definite settlement has been made, and the Canadian Immigration law stands in the same ambiguous and objectionable form as it did at the time our delegation received their formal promise from the Minister of the Interior.

Parliamentary telegrams, sent by authorized Press agents from Ottawa, were published in all the Indian and English papers of December, 1911, to the effect that the Dominion Government had decided to allow our wives and children to enter Canada.

These telegrams aroused a chorus of hearty thanks to His Royal Highness the Duke of Connaught and the Canadian Government for doing this act of elementary justice towards us.

But, unfortunately for both the parties concerned, all these hopes were falsified, as no definite action has been taken by the Canadian Government to remove the direct and the indirect barriers raised against us by the Canadian Immigration Laws.

Therefore, now we are obliged to depute Bhai Balwant Singh, Priest Sikh Temple, Vancouver, B.C., Bhai Narain Singh, mace-bearer Silk Temple, Vancouver, B.C., and Bhai Nand Singh Sihra (with full powers to add to their number on arrival in India) as our delegates to lay our grievance before you in this historic city of Delhi, where our (90 per cent. of the Hindustanis in British Columbia being Sikhs) ninth Spiritual King Guru Tegh Bahadur met his heroic fate to maintain the principles of fair play and justice, and where our forefathers shed their life blood to save the British Empire in India at the time of its sorest need—the year of 1857.

We have every hope that your Excellency would listen to our brief plea, and the fuller representations of our delegates, and do all that lies in your power to influence the Canadian and the Home Governments to have the cause of our grievances removed, and keep the corner-stone of the British Empire—even-handed fair play and justice to all without any distinction of caste, creed, race or colour—intact.

We have, &c.,

To His Excellency  
The Governor-General in Council,  
Delhi, India.

MIT SINGH,  
Secretary.  
BHAG SINGH,  
President,  
and others

THE HONOURABLE R. A. MANT, I.C.S., FINANCIAL SECRETARY TO THE GOVERNMENT OF PUNJAB, to the SECRETARY TO THE GOVERNMENT OF INDIA, DEPARTMENT OF COMMERCE AND INDUSTRY.

(Commerce and Industry. No. 1097.)

SIR,

Lahore, 10th December, 1913.

IN continuation of Mr. Henriques's letter No. 972-C. and I., dated the 5th November, 1913, I am directed to forward for the information of the Government of India, a copy of a letter No. 1579, dated the 20th November, 1913, from the Honorary Secretary of the Chief Diwan, Amritsar, regarding the grievances of Indian settlers in the Dominion of Canada. I am to add that the Chief Khalsa Diwan is an influential association in the Sikh community.

I have, &c.,

R. A. MANT,  
Financial Secretary to Government, Punjab.

THE HONORARY SECRETARY TO THE CHIEF KHALSA DIWAN, AMRITSAR, to the CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB.

(No. 1579.)

20th November, 1913.

I HAVE the honour to bring to your kind notice that the difficulties and disabilities of our Sikh brethren domiciled in Canada, which are already before His Honour the Lieutenant Governor. The immigration laws of British Columbia (Canada) which prevent the wives and children of our domiciled brethren from joining them in Canada press really very hard upon them, and the "continuous journey clause" is, in view of there being no direct steamship service between this country and Canada, the veriest travesty of law. The matter was considered by the Chief Khalsa Diwan, and I have been desired to bring these hardships of our brethren to the notice of Government and to pray that such steps as His Honour may be pleased to consider fit may be taken with a view to the removal of these hardships. I am further desired by the Diwan to convey to His Honour the Lieutenant Governor, and through him to His Excellency the Viceroy and Governor-General of India, the hearty thanks of the Sikh community for the kind and sympathetic consideration that has been shown by Government to the Canadian delegates. The Diwan hopes that with the kind representation of Government these disabilities of our brethren will soon be removed.

*The representations made to the Ottawa Government by the delegates of the United India League and the Khalsa Diwan Society, Vancouver, B.C., on the 15th December, 1911.*

WE, the delegates of the United India League, and the Khalsa Diwan Society, Vancouver, B.C., instructed by them, make the following representations to your Honourable Government for all Hindustanese domiciled in Canada or who may yet become domiciled.

These representations are made with the certainty that your Government is prepared to recognise the solemn promises made by their Majesties, Queen Victoria, King Edward, and King George of India, which is an integral part of our Empire, that all their subjects shall be treated alike.

Our first claim for consideration at the hands of your Honourable Government is that we are British subjects, of proven loyalty. More than 90 per cent. of the Hindustanese in Canada are Sikhs. With the name Sikh is linked up fidelity and heroic loyalty to the Empire. We instance the Indian Mutiny, Africa, Afghanistan, Burma, and Somaliland. In other words, whenever the Empire needed in the past or may in the future need loyal hearts to protect or preserve her honour, the Sikh has always been ready in the past to give willing service to the Empire. A large number of these men now in Canada have seen active service, and many among them have medals for special bravery.

Our conclusion from the above claim, for which we respectfully request your acceptance, is that our status in Canada is wholly distinct and differentiated from that of Oriental immigrants, be they Japanese, Chinese or others; as a matter of fact, we cannot be justly classed as aliens.

As loyal British subjects we come to press for redress for the onerous restrictions that have gradually reduced our status as British subjects below that of the most unfavoured nationalities of the Orient.

The restriction that most presses, and needs very immediate redress, is the prohibition by regulations that make it impossible for the wives and children of the Hindustanese residing in Canada joining them. The compulsory separation of families is punitive and in itself penal, and can only lawfully be applied to criminals by any civilized nation. It is contrary to every human instinct and jeopardizes the existence of the family life, which is the very foundation of the British Empire as a whole. The regulation presses (contrary to all preconceived ideas of British justice and fair play) hardest on the weaker of the two parties concerned, namely, the mother and child. There are no good political, economic, or racial reasons why this regulation should not be abolished. But, on the other hand, there are many cogent and weighty reasons, moral, economic and Imperial, why it should be. There is not a mother in Canada looking into the eyes of her child who [would] not sanction its repeal.



It is well to consider from an Imperial standpoint the reflex action of this regulation on the Sikh communities of India, who are so closely united by the bonds of their religion, whether it fosters loyalty or otherwise. Any and all of the unfavoured nations of the Orient may bring their wives; is it too much to expect, or ask, that a British subject may also?—for the honour and welfare of the Empire—we hope not.

The next immigration regulation which we ask you to consider, with a view to modification or repeal, is the continuous journey restriction. First, because no law or restriction has any force which is impossible to observe. Continuous journey, as now defined, is impossible. No other country asks its own subjects to do that which, from the very nature of the case, they cannot. The thinking men of India and all who are directly or indirectly affected by this Order in Council fail to understand its application where loyal subjects of the Crown are concerned; as a method of total restriction that is another matter. But, on the other hand, we would ask you to consider, is there any process of law or regulation that can be directly used to justly strip a loyal British subject of his inherent right to travel or reside in any part of the Empire? if not, then why this restriction? Our common Sovereigns, their Majesties mentioned in these restrictions, have solemnly promised all subjects of the Empire, regardless of race, equality of treatment.

We reiterate our request that your Honourable Government may reconsider the above regulation. First, because it is not direct in its meaning and is practically construed and has the force of total Hindu restriction, thereby practically legislating against British subjects, while fostering, in a measure, other Oriental nationalities of your own Empire, which means a house divided against itself.

The other reasons we would urge are that the Hindustanis domiciled in Canada have economically made good, as citizens and producers, and that they cope with every condition in which they have been placed intelligently and successfully. In the large centres of British Columbia they have holdings in land, houses and stocks, and their savings bank accounts for the time which they have been in the country exceed any other class of other immigrants, and their faithful compliance with the law is now unquestioned.

We claim for ourselves, while language is different and customs are not the same, that we understand your laws, are more ready to give intelligent obedience to them than most Europeans, immigrants, and all Orientals, and above all, we are loyal trained subjects of the same King, and we worship the same God; moreover, that the Sikh home life is identical in all virtues as the Christian home.

We are prepared to co-operate with your Government as to undesirables. We will give bonds to the Immigration Authorities that no Hindustani shall become a public charge. In connexion with this we ask that the amount required for Hindus entering Canada shall be uniform with other nationalities and not, as at present, 200 dollars.

We request also that you remove restrictions on students, merchants, and tourists entering Canada, and that they may be placed on the same footing as other nationalities at least. In the very near future the granting of this last clause will prove most advantageous from a commercial standpoint.

The above restrictions which we desire you to carefully consider and afterwards discuss with the delegation with a view to a favourable solution of the same, as to the questions involved, are not local. As being purely Canadian, they are in the very nature Empire questions, and hence must be dealt with from this broad standpoint. All Indians' interests are bound up indirectly in the decision that they may follow on the matters presented by the delegation. There will either be one standard or two, within the Empire of British subjects' interest and privileges. If the latter, then it must be based on race privileges, or race superiority. Hence, India is looking to Canada most anxiously as to her own present and future status. As to the Sikhs, particularly, both in India and Canada, they base their hopes on British gratitude and absolute reliance in British good faith in dealing with them. Hence the pressure of this delegation in the capital at no little expense of time and money to lay these facts before your Honourable Government through you as Minister of the department to which these matters belong.

Respectfully requesting you to appoint a time at your earliest convenience when we may confer with the Government in relation to them.

All of which is respectfully submitted.

PROFESSOR TEJA SINGH, A.M., HARVARD, M.A., LL.B.

REV. L. W. HALL, Missionary.

RAJA SINGH.

DR. SUNDAR SINGH, M.D.

To the Hon. R. Rogers,  
Minister of the Interior,  
Ottawa, Ontario.

# REPLY TO THE SIKH DELEGATES' REPRESENTATION.

GENTLEMEN,

I AM glad to have had this opportunity of hearing from your own lips what you have to say about the grievances of your fellow-countrymen in Canada, and I am sorry that I should have had, owing to the great pressure of business, to postpone the opportunity so long.

I need hardly tell you that I and my Government are keenly interested in the well-being of Indians in every part of the globe, and that we regard it as our business to give them all the support we can whenever they have complaints to make of a reasonable character about the treatment to which they are subjected.

The memorial that you have now presented to me deals with the restriction placed upon the admission of wives and children of Indians already resident in Canada, and in regard to this I may perhaps tell you that the Government of India made representations on the subject, and that as a result the Canadian Government agreed to waive the order requiring possession of 200 dollars in the case of the wives and minor children of Indian residents who are in a position to receive and care for their family, but as the restriction requiring a continuous journey on a through ticket still remained, we were unable to regard the situation as satisfactory, and we have been for the last few months in correspondence with the Secretary of State with a view to the removal of this disability. The memorial you have handed me, when it is in due course remitted to the Home authorities, should strengthen the force of our case. You must not, however, forget that there is a very strong feeling among classes wielding considerable political influence in Canada against any relaxation of the restrictions, and a recent decision of the Chief Court, ordering the release of some Indians under orders for deportation, has produced forcible protest and a demand for more stringent legislation.

I regret, therefore, that it is not possible for me to foresee the ultimate result of our representations, and I can only assure you of the active support and sympathy of my Government, and promise you that we shall do all in our power to secure the removal of this particular disability.

5001

No. 45.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 17th February, 1914. L.F.]

[Answered by No. 51.]

(No. 128.)

SIR,

Downing Street, 14th February, 1914.

I HAVE the honour to transmit to Your Royal Highness, to be laid before your Ministers, copy of a note\* from the Chinese Minister, on the subject of the restrictions imposed on the immigration of Chinese into Canada.

2. I shall be glad to learn by telegraph the views of your Ministers on the proposal of the Chinese Government.

I have, &c.,

L. HARCOURT.

5870

No. 46.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th February, 1914.)

(No. 54.)

SIR,

Government House, Ottawa, 5th February, 1914.

WITH reference to your despatch, No. 46, of the 17th January,† on the subject of the Order in Council of the 8th of December, prohibiting the landing at certain ports of entry in British Columbia of artisans and labourers, skilled or unskilled, I regret that you were not informed by telegraph when this Order came into effect.

I have, &c.,

ARTHUR.

\* Enclosure in No. 43.

† No. 36.



No. 47.  
CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 18th February, 1914.)

[Answered by No. 48.]

SIR,

Foreign Office, 17th February, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 27th ultimo, No. 1452/1913-14,\* enclosing a despatch from the Government of Canada respecting the effect of the timber and fishery regulations of British Columbia upon Japanese subjects.

Sir E. Grey desires to point out that, according to the representations made by the Japanese Ambassador, the Japanese Government do not desire to press for any alteration which may affect the spirit or the practical working of the present regulations, still less to endeavour to secure the participation of Japanese in these industries, and that all that they have requested is that the appearance of special discrimination against Japanese subjects should be removed and the consequent offence to Japanese national and racial pride avoided.

The terms of the fishery regulations appear to contain no discrimination against Japanese as such, but Sir E. Grey hopes that the Government of British Columbia may still be persuaded so to amend the wording of the conditions upon which timber licences are granted as to remove the objections of the Japanese Government as to their offensive character.

Sir E. Grey does not propose to communicate the explanation enclosed in your letter to the Japanese Government, which, as it stands, would certainly fail to satisfy them.

I am, &c.,  
W. LANGLEY.

No. 48.  
CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 49.]

SIR,

Downing Street, 25th February, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th February,† respecting the effect of the timber and fishery regulations in British Columbia upon Japanese subjects.

2. In reply, I am to transmit to you the accompanying draft of a despatch‡ which, with the concurrence of Secretary Sir E. Grey, Mr. Harcourt proposes to address to the Governor-General of Canada, suggesting that in place of a discrimination by name against Japanese a language test should be applied.

I am, &c.,  
HENRY LAMBERT.

No. 49.  
CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3rd March, 1914.)

[Answered by L.F. transmitting a copy of No. 52.]

SIR,

Foreign Office, March 2nd, 1914.

I AM directed by Secretary Sir Edward Grey to acknowledge the receipt of your letter, 6188/14, of the 25th ultimo,§ respecting the effect of the timber and fishery regulations in British Columbia upon Japanese subjects.

In reply, I am to inform you that Sir Edward Grey concurs in the terms of the despatch which Mr. Secretary Harcourt proposes to address to the Governor-General of Canada on the subject.

I am, &c.,  
W. LANGLEY.

No. 50.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 4th March, 1914.

WITH reference to my Confidential despatch of the 4th ultimo,\* relative to the question of the admission into Canada of the wives and children of British Indians resident in the Dominion, I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, a copy of a letter† from the Under-Secretary to the Government of India, forwarding certain papers bearing on the question.

I have, &c.,

L. HARCOURT.

No. 51.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE

(Received 7.30 a.m., 10th March, 1914.)

TELEGRAM.

[Copy to Foreign Office, 12th March, 1914. L.F.]

YOUR despatch of 14th February, No. 128.‡ My advisers desire me to inform you that they would be glad to discuss the question with the Consul-General for China as suggested (by you) but they desire to observe that any change in existing conditions and regulations will require grave and careful consideration.—ARTHUR.

No. 52.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 12th March, 1914. L.F.]

[Answered by No. 84.]

(Secret (2).)

SIR,

Downing Street, 10th March, 1914.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's Secret despatch of the 31st December last,§ forwarding the reply of your Ministers to the representations made by the Japanese Government with regard to certain regulations affecting Japanese subjects in Canada.

2. I shall be glad if your Ministers will point out to the Government of British Columbia that, according to the representations made by the Japanese Ambassador, the Japanese Government do not desire to press for any alterations which may affect the spirit of the practical working of the present regulations, still less to endeavour to secure the participation of Japanese in the timber and fishery industries, and that all that they have requested is that the appearance of special discrimination against Japanese subjects should be removed and the consequent offence to Japanese national and racial pride should be avoided.

3. His Majesty's Government, therefore, trust that the Government of British Columbia will take into their very serious consideration the amendment of the wording of the conditions upon which timber licences are granted, so as to remove the objections of the Japanese Government as to their offensive character. As will be seen from the despatch to His Majesty's Chargé d'Affaires at Tokio, of which a copy was enclosed in my Secret despatch of the 15th January, 1913,|| the Japanese Government regard the Australian practice, which is based on a language test, as free from objection, and I would suggest that your Ministers should ask



the Government of British Columbia to consider whether they should not follow the principle of a language test. I enclose, in this connexion, a copy of a recent Act\* passed by the Parliament of Queensland, with a view to excluding from participation in the sugar industry Japanese and other Asiatics, both aliens and British subjects.

I have, &c.,  
L. HARCOURT.

9274

No. 53

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th March, 1914.)

[Copy to India Office, 21st March, 1914. L.F.]

(Confidential (2).)

SIR,

Government House, Ottawa, 2nd March, 1914.

WITH reference to your Confidential despatch of the 17th December, 1913,† and your Secret despatch of the same date,‡ relating to the request for admission into the Dominion of Canada of the wives and children of British East Indians already in this country, I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada setting forth the views of my responsible advisers.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 53.

(P.C. 304.)

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 23RD FEBRUARY, 1914.

THE Committee of the Privy Council have had before them a report, dated 19th January, 1914, from the Secretary of State for External Affairs, with reference to a Confidential despatch, dated 17th December, 1913, and a Secret despatch of the same date, from the Secretary of State for the Colonies, relating to the request for admission into the Dominion of Canada of the wives and children of British East Indians already in this country.

The Minister submits that, for the reasons already indicated in the Order in Council of 27th September, 1913 (P.C. 2448) and for other considerations of the like character, Your Royal Highness's advisers feel themselves constrained to adhere to their previous decision upon this subject as expressed in the said Minutes of the Privy Council of the 27th September, 1913, and advise that Your Royal Highness may be pleased to inform the Secretary of State for the Colonies that the Canadian Government is unable to modify its attitude upon this important question.

With regard to Mr. Harcourt's inquiry contained in his Confidential despatch of 17th December, as to whether your Royal Highness's advisers have received any further information touching the establishment of direct steamship communication between Calcutta and Vancouver, the Minister states that he has not recently heard anything further upon the subject; but with the number of tramp vessels engaged in the trans-Pacific service, it would require very little capital and no very great organizing ability to bring to British Columbia ports from India large numbers of persons who could comply with the general provisions of the regulations governing the admission of immigrants into Canada.

The Committee concur in the foregoing and, on the recommendation of the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to forward a copy hereof, if approved, to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

\* No. 4 of 1913. † No. 146 in Dominions No. 44. ‡ No. 147 in Dominions No. 44.

9195

No. 54.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th March, 1914.)

[Copy Enclosures to India Office, 20th March, 1914. L.F.]

(No. 112.)

SIR,

Government House, Ottawa, 3rd March, 1914.

WITH reference to my telegram of the 26th February,\* on the subject of the recent amendments made in the Immigration Regulations, I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada, upon which my telegram was based.

It is regretted that, owing to an oversight, the Orders in Council of the 7th January, copies† of which are attached to the present minute, were not forwarded to you.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 54.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 23RD FEBRUARY, 1914.

(P.C. 493.)

THE Committee of the Privy Council have had before them a report, dated 17th February, 1914, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a telegraphic despatch, dated 24th January, 1914, from the Right Honourable the Principal Secretary of State for the Colonies, on the subject of the recent amendments made in the Immigration Regulations.

The Minister observes that the regulations in question are promulgated in two Orders in Council, dated 9th May, 1910, which will be found on page 45 of the pamphlet containing the laws and regulations of Canada respecting immigration and immigrants, copy of which is attached.

The Minister further observes that these Orders in Council have been rescinded and replaced by two further Orders in Council, dated 7th January, 1914,† copies of which are attached.

That the reason for this change is to be found in the judgment, or rather series of judgments, rendered by the British Columbia Courts in the case of British East Indians, in which judgments or decisions it is held that the Orders in Council of the 9th May, 1910, were *ultra vires*, because they exceeded the authority of the statute under which they were drawn; that is to say, as regards No. 920, Section 38, Sub-section (a) of the Immigration Act provides that the Governor in Council may prohibit the entry of an immigrant "who has come to Canada, otherwise than by continuous journey from the country of which he is a native or naturalized citizen," whereas the Order in Council omitted the word "naturalized," and was, therefore, held thereby to have exceeded the statute; as regards the Order in Council No. 926, Section 37 of the Act provides that immigrants shall possess "in their own right money, etc.," whereas the Order in Council, instead of following the exact wording of the statute, required that immigrants of Asiatic origin should have "in actual and personal possession in his or her own right." It was held that the introduction of the words: "in actual and personal possession" made this Order go beyond the statute. The new Orders in Council are drawn with a view to conform more closely to the statute, but there is no variation in the policy of the Government in relation to this matter, which remains unchanged.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to communicate the substance hereof, by telegraph, to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

\* 7390: not printed. † Not reprinted.



10308

No. 55.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th March, 1914.)

[Copy to India Office, 25th March, 1914. L.F.]

[Answered by Nos. 57 and 60.]

(Confidential.)

Government House, Ottawa,

10th March, 1914.

SIR, I HAVE the honour to forward, herewith, for your information, a copy of a letter from the Department of External Affairs, dated 7th March, 1914, respecting the readmission to the Dominion of eight British Indians claiming domicile for the last six years in Canada.

I have, &amp;c.,

ARTHUR.

Reference to previous despatch: Colonial Office telegram, 20th February.\*

Enclosure in No. 55.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 7th March, 1914.

WITH reference to a telegraphic despatch from the Secretary of State for the Colonies to the Governor-General, dated the 20th February, 1914, on the subject of the refusal of readmission to the Dominion of eight British Indians claiming domicile for the last six years in Canada, I am to say that, inasmuch as these Indians are detained at Yokohama, the Department of the Interior have no means at present of finding out at this distance whether their claims regarding their Canadian domicile are well founded or not. I am to suggest that His Majesty's Consul-General at Yokohama should be instructed to permit such of these Hindus as have undoubtedly acquired Canadian domicile to come forward to Vancouver or Victoria, where their claims will be investigated, and, if proved satisfactory, there will be no difficulty about their entering the Dominion.

I am to request that His Royal Highness may be humbly moved to ask the Secretary of State for the Colonies to cause His Majesty's Consul-General at Yokohama to be communicated with in this sense.

I have, &amp;c.,

JOSEPH POPE,

Under-Secretary of State  
for External Affairs.

10308

No. 56.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to India Office, 25th March, 1914. L.F.]

[Answered by No. 58.]

SIR,

Downing Street, 24th March, 1914.

WITH reference to the letter from this Department of the 20th February,\* I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of Secretary Sir Edward Grey, a copy of a despatch† from the Governor-General of Canada relative to the question of the readmission to Canada of certain British Indians who claim to be domiciled in the Dominion.

2. Mr. Harcourt presumes that instructions will be sent to His Majesty's Consul-General at Yokohama in the sense suggested by the Canadian Government.

I am, &amp;c.,

HENRY LAMBERT.

\* 6353: not printed.

† No. 55.

10303

No. 57.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 25th March, 1914.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's Confidential despatch of the 10th March,\* relative to the question of the readmission to Canada of certain British Indians who claim domicile in the Dominion.

2. I should have been glad if the reply of your Ministers could have been communicated to me by telegram.

I have, &amp;c.,

L. HARCOURT

12054

No. 58.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 2nd April, 1914.)

[Answered by No. 61.]

SIR,

Foreign Office, 1st April, 1914.

WITH reference to your letter of the 24th ultimo,† relative to the detention at Yokohama of certain British Indians claiming domicile in Canada, I am directed by Secretary Sir E. Grey to transmit to you herewith, for the information of the Secretary of State for the Colonies, a copy of a telegram which has been sent to His Majesty's Ambassador at Tokyo directing him to instruct His Majesty's Consul-General at Yokohama to take action in the sense desired by the Government of Canada.

A copy of a further telegram on this question from Sir C. Greene is also enclosed, and Sir E. Grey would be glad, in view of the request for instructions contained therein, if the Canadian Government could be asked by telegraph what permanent instructions for dealing with similar cases they would desire to be issued to His Majesty's Consular Officers at Japanese ports.

I am, &amp;c.,

W. LANGLEY.

Enclosure in No. 58.

TELEGRAM FROM SIR C. GREENE (TOKYO) to FOREIGN OFFICE.

(Received 8.41 p.m.)

25TH MARCH, 1914, 11.0. p.m. No. 26. My telegram No. 9 of 13th February. Consul-General Yokohama reports that although Ordinance of Government of Canada (your telegram No. 57 of 29th October) will expire on 31st March, steamship companies still refuse to carry eight British Indians in question.

In view of the fact that on expiration of this Ordinance other Indians similarly bound for Canada may presently arrive at Yokohama, it is very desirable definite instructions should be given Consul-General Yokohama without delay. Request instructions. Eight men in question are in danger of becoming destitute.

\* No. 55.

† No. 56.



Enclosure 2 in No. 58.

SIR EDWARD GREY to SIR C. GREENE (TOKYO).

(No. 16.) R. Foreign Office, 26th March, 1914.

Your telegram No. 26 of 25th March.

Despatch now received from Canadian Government suggesting that His Majesty's Consul-General at Yokohama should be instructed "to permit such of Hindus at present detained as have undoubtedly acquired Canadian domicile to come forward to Victoria or Vancouver, where their claims will be investigated, and, if proved satisfactory, there will be no difficulty about their entering the Dominion."

You should instruct His Majesty's Consul-General to act accordingly.

12210

No. 59.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.25 p.m., 2nd April, 1914.)

TELEGRAM.

[Copies to India Office, 4th April, 1914. L.F.]

My despatch of 29th December, No. 759:\* restriction of immigration to British Columbia. Order of Governor in Council passed 31st March extends restriction until the end of September.—ARTHUR.

12054

No. 60.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.25 p.m., 3rd April, 1914.)

TELEGRAM.

[Copy to Foreign Office and India Office, 4th April, 1914. L.F.]

[Answered by No. 64.]

YOUR despatch 10th March. Confidential.† His Majesty's Ambassador at Tokio has been informed accordingly. Please telegraph what permanent instructions your Government would wish given to His Majesty's Consular Officers at Japanese ports as to British Indians bound for Canada.—HARCOURT.

12210

No. 61.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 4th April, 1914.

WITH reference to your letter of the 1st instant,‡ I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir E. Grey, copy of a telegram§ to the Governor-General of Canada, asking what permanent instructions the Dominion Government desire to be given to His Majesty's Consular Officers at Japanese ports with regard to British Indians bound for Canada.

2. I am also to enclose a copy of a telegram|| from His Royal Highness announcing the extension until the end of September next of the operation of the Order in Council of the 8th December, 1913, prohibiting the immigration of artisans and labourers into British Columbia.

I am, &amp;c.,

A. E. COLLINS,  
for the Under-Secretary of State.

\* No. 33. † No. 55. ‡ No. 58. § No. 60. || No. 59.

12926

No. 62.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th April, 1914.)

[Answered by No. 70.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies and, by direction of the Secretary of State, transmits herewith a copy of a note from the Chinese Minister, dated 2nd April, respecting the Saskatchewan Act to prevent employment of female labour in certain capacities, for such observations as Mr. Secretary Harcourt may desire to offer.

Reference to previous correspondence: Letter to Foreign Office, 6th May, 1913 (12365).\*

Foreign Office,  
7th April, 1914.

Enclosure in No. 62.

YOUR EXCELLENCY,

Chinese Legation, 2nd April, 1914.

I HAVE the honour to draw Your Excellency's attention to the most unsatisfactory Act that has been passed by the Legislature of Saskatchewan, and which has been the subject of frequent protest on the part of the Chinese people and Consular Officers in Canada. I refer, Your Excellency, to "An Act to Prevent the Employment of Female Labour in Certain Capacities," passed with its amendment by the Legislative Assembly of Saskatchewan.

I beg to enclose a copy of this Act for Your Excellency's information. Your Excellency will please note that the Act originally applied to "Japanese, Chinamen, or other Oriental person," but by the amendment which came into effect on the 11th of January, 1913, it now applies only to Chinese.

It is hardly necessary for me to go into the details of the Act, but it is sufficient for me to say that it is a discriminative Act against the Chinese people lawfully resident in Saskatchewan.

I venture to submit that Your Excellency will agree with me that my Government has every justification to complain against such an unfair treatment of its people.

I am aware that the Act was passed at a time when my country was undergoing a revolution and my Government had not the time to attend to protest against such measures, but now that my Government has been fully established, I have the honour to bring to Your Excellency's notice that such an Act constitutes a treatment most unfriendly to the Chinese people.

I would, therefore, beg Your Excellency to use your influence and good offices with the authorities concerned in order that the Act in question, which might be calculated to do harm to the most cordial relationship which has always existed between our two countries, may be removed from operation in that part of His Britannic Majesty's Dominion.

I have, &amp;c.,

LEW YUK LIN.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P., &amp;c.

1912.

CHAPTER 17.

AN ACT TO PREVENT THE EMPLOYMENT OF FEMALE LABOUR IN CERTAIN CAPACITIES.  
(Assented to 15th March, 1912.)

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

1. No person shall employ in any capacity any white woman or girl or permit any white woman or girl to reside or lodge in or to work in or, save as a *bona fide*

\* Not printed.



customer in a public apartment thereof only, to frequent any restaurant, laundry or other place of business or amusement owned, kept or managed by any Japanese, Chinaman or other Oriental person.

2. Any employer guilty of any contravention or violation of this Act shall upon summary conviction be liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a term not exceeding two months.

3. This Act shall come into force on the first day of May, 1912.

THE above Act was amended, the amendment coming into effect on the 11th day of January, 1913, as follows:—

1. Section 1 of Chapter 17 of the Act of 1912, intituled "An Act to Prevent the Employment of Female Labour in Certain Capacities," is amended by striking out the word "Japanese" where it occurs therein and further by striking out the words "or other Oriental person" where they occur therein.

2. The said Act shall be constructed as though the said words so struck out by Sub-Section (1) hereof had never been contained therein.

NOTE.—The effect of the above amendment is that the prohibition as to the employment of female labourers now applies only to the Chinese.

Regina, Saskatchewan, 21st August, 1913.

M.....

Dear Sir:

I am furnishing you herewith a copy of the Act prohibiting female white labour in restaurants, etc., owned by Chinese, as requested by you, together with an Amendment to the Act passed in 1913 which struck out Japanese and other Orientals, thus leaving the prohibition as applying entirely to Chinese.

The effect of this Act is more far-reaching than is generally supposed. At first sight it might appear that the Act merely prohibited the employment of white women or girls in public apartments, restaurants, laundries or other places of business or amusement. As a matter of fact the Act provided that female white labour must not be employed in any of these places if owned, kept or managed by any Chinaman. The effect of this Act, and the manner in which it interferes with the business of Chinese residents of this Province, would perhaps be best illustrated by some examples.

If, let us say, the King's Hotel in Regina were owned by a Chinaman and that Chinaman leased the hotel to a white man that white man could not employ white women or girls in the hotel, although the Chinese owner might even be living in China.

Again, if the King's Hotel management employed a Chinaman as manager of the hotel, although owned and operated by white people, white women or girls could not be employed in the hotel.

Again, if a large departmental store in Regina were owned by a Chinaman resident in China and he leased it to either a company or any white person, women or girls could not be employed as clerks or in any other capacity in that store.

Again, if the above-mentioned store was owned by white people and they employed a Chinese manager no white women or girls could be employed in any capacity in the store.

I need scarcely multiply illustrations in order to show how far-reaching and damaging to the Chinese population of this Province the said Act is; in brief, the very wording of the Act shows how the Act interferes not only with the ownership of property by the Chinese, but with any business practically which they might carry on. The Act prohibits, as you will see by reference to it, the employment in any capacity of any white women or girls in any restaurant, laundry, or other place of business or amusement owned, kept, or managed by any Chinaman.

I trust that the above will furnish the information as to the injurious effect of this Act requested by you.

Yours truly,

12054

No. 63

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 73.]

(No. 243.)

SIR,

Downing Street, 7th April, 1914.

WITH reference to my telegram of the 3rd April,\* I have the honour to transmit to Your Royal Highness, for the information of your Ministers, a copy of a letter† from the Foreign Office relative to the question of the admission to Canada of British Indians who claim to be domiciled in the Dominion.

2. I have received your telegram of the 2nd of April‡ announcing the extension of the operation of the Order in Council regarding the immigration of artisans and labourers into British Columbia, and I have communicated copies to the Secretaries of State for Foreign Affairs and for India.

I have, &c.,

L. HARCOURT.

13903

No. 64.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.5 p.m., 15th April, 1914.)

TELEGRAM.

[Answered by No. 69.]

YOUR telegram 3rd April.\* British Indians. Government of Canada consider it advisable to forward copies of Immigration Act each for Consular Agents at Japanese Asiatic ports; if above have acquired and not lost Canadian domicile they may return; in British Columbia instance of returning without ever acquiring domicile has been discovered; quite impossible to authorize any other agency to assure admission. Arrangement being made for registration outward from Canada of Indians who wish to return. Despatch§ follows by mail.—ARTHUR.

13827

No. 65.

CANADA.

THE GOVERNOR GENERAL to THE SECRETARY OF STATE.

(Received 16th April, 1914.)

(No. 211.)

SIR,

Government House, Ottawa, 3rd April, 1914.

WITH reference to my telegram of the 2nd instant,‡ on the subject of the restriction of immigration into British Columbia, I have the honour to transmit, herewith, for your information, copies of an Order in Council upon which the said telegram was based.

I have, &c.,

ARTHUR.

\* No. 60.

† No. 58.

‡ No. 59.

§ No. 71.



Enclosure in No. 65.

(P.C. 897.)

AT THE GOVERNMENT HOUSE AT OTTAWA.

Tuesday, the 31st day of March, 1914.

PRESENT:

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

HIS ROYAL HIGHNESS the Governor-General in Council, under and in virtue of the provisions of Sub-Section 3 of Section 38 of the Immigration Act, 9-10, Edward VII., and in view of the present overcrowded condition of the labour market in the Province of British Columbia, is pleased to make the following Order:—

From and after the date hereof, and until after the 30th day of September, 1914, the landing at any port of entry in British Columbia hereinafter specified of any immigrant of any of the following classes or occupation, viz.:—

Artisans;

Labourers, skilled or unskilled;

shall be, and the same is hereby, prohibited.

The following ports of entry in British Columbia are hereby designated as the ports of entry at which this Order shall apply:—

Vancouver.	Douglas.	Powell River.
Victoria.	Gateway.	Paterson.
New Westminster.	Grand Forks.	Aldergrove.
Nanaimo.	Huntingdon.	Rykerts.
Prince Rupert.	Kamloops.	Roosland.
Fort Simpson.	Keremoos.	Stewart.
Anyox.	Kingsgate.	Union Bay.
Atlin.	Ladner.	Upper Sumas.
Chilliwack.	Myncaster.	Waneta.
Brightsville.	Ladysmith.	Pacific Highway.
Chopaka.	Midway.	White Rock.
Carson.	Mission Junction.	Steveston.
Cascade.	Port McNicoll.	Chemainus.
Comox.	Osoyoos.	Whales Island.
Ganges Harbour.		

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

12926

No. 66.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by Nos. 83 and 108.]

(Secret.)

SIR,

Downing Street, 16th April, 1914.

WITH reference to my Secret despatch of the 17th of February, 1913,\* I have the honour to transmit to Your Royal Highness, to be laid before your Ministers, the accompanying copy of a note† from the Chinese Minister on the subject of the Acts, Chapter 17 of 1912, and Chapter 18 of 1913, of the Legislature of Saskatchewan—to prevent the employment of female labour in certain capacities.

2. I shall be glad to learn what reply should, in the opinion of your Ministers, be returned to the representations made by the Chinese Minister.

\* No. 87 in Dominions No. 44.

† Enclosure in No. 62.

3. I observe from the telegram in *The Times* of the 10th instant, of which a copy is enclosed, that steps have been taken to test the validity of the Saskatchewan legislation.

4. The telegram refers also to an Act which has been passed in Ontario prohibiting the employment of white females by Orientals in a factory, restaurant or laundry. I shall be glad to receive copies of this Act, together with any observations which your Ministers may have to offer. There has been correspondence respecting a similar Act passed by the Legislature of Manitoba in 1913, terminating with your Secret despatch of the 5th November, 1913.\*

5. I should be obliged if I might also be supplied with a statement of the facts connected with the protest of the Japanese Consul at Vancouver which is mentioned in the same telegram.

I have, &amp;c.,

L. HARCOURT.

Enclosure in No. 66.

Telegram from "*The Times*" of 10th April, 1914.

JAPANESE PROTEST AT VANCOUVER.  
(From our own Correspondent.)

Toronto, 8th April.

THE local representative of Japan has protested against the proposal to segregate Asiatic school-children in Vancouver city.

A Bill has been passed by the Ontario Legislature prohibiting the employment of white females by Orientals in a factory, restaurant, or laundry. As was expected, it will not be put into force until the validity of the similar measure passed in Saskatchewan has been tested in the case now pending before the Privy Council.

13903

No. 67.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE AND INDIA OFFICE.

SIR,

Downing Street, 18th April, 1914.

WITH reference to the letter from this Department of the 4th instant,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [Secretary Sir Edward Grey] [the Marquis of Crewe], a copy of a telegram‡ from the Governor-General of Canada on the subject of the readmission to Canada of British Indians who have acquired domicile in the Dominion.

2. It is assumed that copies of the Canadian Immigration Act will have been sent by the Dominion Government direct to the Consular Agents referred to in this telegram.

3. Mr. Harcourt is not clear as to the meaning of the words "any other agency" used in the telegram, but presumes that they are intended to mean "anybody save the immigration authorities at Victoria and Vancouver."

4. A similar letter has been addressed to the [India] [Foreign] Office.

I am, &amp;c.,

HENRY LAMBERT.

\* No. 137 in Dominions No. 44. † [No. 61]: [L.F. transmitting copy of No. 59.] ‡ No. 64.



14519

No. 68.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 20th April, 1914.)

(Confidential.)

SIR, Government House, Ottawa, 8th April, 1914.  
 WITH reference to your Confidential despatch of the 17th January,\* I have the honour to transmit, herewith, a confidential copy of certain correspondence between the Prime Minister and the Japanese Consul-General, on the subject of modifications in the Immigration Regulations as regards Japanese.

I have, &amp;c.,

ARTHUR.

Enclosure 1 in No. 68.

(No. 251.)

FROM THE JAPANESE CONSUL-GENERAL AT OTTAWA TO THE PRIME MINISTER.

(Confidential.)

(Note-Verbale.)

RELATING to the Japanese emigration question, which is going to be affected by the new Order in Council, the Japanese Consul-General at Ottawa has received the instructions from the Foreign Office, Tokio, to communicate to the Canadian Government in the following sense:—

The Imperial Government is deeply gratified at the frank explanation by the Prime Minister of Canada, to the Imperial Consul-General at Ottawa, of the real motive which caused the present amendment of the Immigration Regulation in question; and is pleased also to learn that in view of the existence of the Lemieux Understanding, the Canadian Government has decided to apply the interpretations which are friendly to Japan in regard to the enforcement of the new amendment.

The Imperial Government would, however, inform the Canadian Government that the Lemieux Understanding has had from the very beginning its basis upon certain sincere mutual negotiations between both Governments, and that it is entirely by virtue of the existence of this Understanding that the Imperial Government has enforced for so many years the most rigid restriction of Japanese emigration into Canada and that they made the declaration regarding the emigration problem when Canada came to adhesion to the Anglo-Japanese Treaty this spring. Thus the Understanding has been faithfully observed and respected by both Governments up to the present day.

In view of these facts the Imperial Government regards with regret the abrupt alteration, though not of course in the whole, but even in a portion, of the principle of this Understanding, which is caused by the present amendment, even allowing that the said amendment is of a temporary character and the scope of its application general.

The Imperial Government, therefore, earnestly hopes that the Canadian Government will kindly find some conventional method so as to guarantee, in principle, the returning immigrants, irrespective of the duration of their residence in Canada, and all agricultural settlers, the number of which entering Canada each year is practically nil, to enter the country as before.

The Imperial Government is of the opinion that in the short period of three or four months, for which time the said amendment is considered to be in force, there will be practically almost no one among those mentioned in the above category coming into Canada. Moreover, if necessary, the Imperial Government may exercise executive control, thereby further restricting the grant of passports to these two classes for the said period, which classes even if allowed in without any restriction would be really so insignificant in number that their entry would by no means affect the Canadian Government.

\* Not printed.

As a practical question, this matter is scarcely worthy of discussion. It is the question of principle which, after all, is important. The point upon which the Imperial Government lays special stress is the principle underlying the whole matter, and what it earnestly desires is to keep this principle of the Lemieux Understanding in its integrity and entirety, and this, it trusts, will be fully understood by the Canadian Government.

Handed to the Prime Minister, 11th December, 1913.

C. YADA.

Imperial Consulate-General of Japan  
 for the Dominion of Canada.

Enclosure 2 in No. 68.

(No. 252.)

FROM SECRETARY OF STATE FOR EXTERNAL AFFAIRS TO CONSUL-GENERAL OF JAPAN.

(Note-Verbale.)

RELATING to the recent Order of the Governor in Council, touching immigration in the Province of British Columbia:

1. The Government of Canada desires to express its appreciation of the friendly spirit in which communication has been made on behalf of the Imperial Government of Japan of its views with regard to the effect of the Order promulgated on the 8th instant.

2. The Government of Canada is fully aware that the Lemieux Understanding had its origin and basis, as stated in the Note-Verbale communicated by the Imperial Japanese Consul; and also is reminded that according to the statement presented by the Imperial Consul-General of Japan to the then Minister of Finance on the 10th day of May, 1911, the understanding thus arrived at did not terminate on the expiration of the Treaty of the 31st January, 1906.

3. The considerations which made the recent Order necessary have been fully explained to the Imperial Japanese Consul-General, and, moreover, they were communicated to the Imperial Japanese Government through the British Foreign Office on or before the 6th of November last. The Government of Canada is confident, therefore, that the Imperial Government of Japan will not consider that the recent action could reasonably be termed abrupt.

4. When negotiations were commenced about a year ago between the then Imperial Consul-General of Japan and the Prime Minister of Canada, there was then no treaty in force and the Immigration Act of Canada could be called into operation at any time with regard to Japan as with regard to any other country. Negotiations were based upon the continuance of this latter condition so far as Canada is concerned. It was pointed out, as the fact is, that the Canadian Immigration Act is of general operation and applies not only to foreign countries but to other portions of the British Empire.

5. It was also thought desirable that the regulative control theretofore maintained by the Imperial Government of Japan should continue to be exercised—in other words, the Government of Canada, while retaining and reserving full power to deal with and remedy any economic or other condition of difficulty, was not only willing but desirous that regulative control exercised by the Government of Japan should, so far as possible, meet any such conditions that might arise.

6. In the negotiations it was definitely pointed out to the then Imperial Consul-General of Japan that while Canada had no desire or intention of discriminating against Japan, it could not discriminate in Japan's favour on the question of immigration.

7. The Government of Canada is unable to perceive that the recent Order of the Governor in Council discriminates against Japanese subjects, either in principle, operation, or intention.

8. As to intention, the reasons which make the Order necessary have already been pointed out and need not be reiterated.

9. As to principle, the Order upon its face is applicable, not only to the subjects of all foreign countries, but to British subjects arriving in Canada at any of the designated ports.

10. In operation, the Order in Council applies to British subjects arriving from Australia, New Zealand, and from other British possessions in the East, as well as to citizens of the United States resident in those States which are contiguous to the Province of British Columbia.



11. It is the policy of the Canadian Government to carry out the administration of the Order in a friendly spirit towards Japan, and assurance on this point has already been conveyed to the Imperial Consul-General of Japan both by the Prime Minister and by the Minister of the Interior. The conditions do not permit that even British subjects can be exempted from its operation.

12. While most anxious to meet the views of the Imperial Government of Japan in every possible way the Government of Canada do not perceive that this is possible without making a direct discrimination in favour of Japanese subjects. The Imperial Government of Japan in 1907 publicly stated that its policy of regulative control would always have regard to local conditions prevailing in Canada. It was upon this principle that Japan declared its intention not to insist at that time upon the complete enjoyment of the rights and privileges conferred upon Japanese subjects by the Treaty of 1906. It is submitted for the consideration of the Imperial Japanese Government that local conditions in British Columbia are presently of such a character that its regulative control might properly be exercised so as to prevent the arrival in British Columbia of the very few persons who would be affected by the Order in question.

13. The Government of Canada regrets that it has been unable up to the present time to find any such conventional method as is suggested in the Note-Verbale communicated to the Prime Minister, but it will be glad to receive any suggestions in that regard, which should be communicated in the first instance to the Minister of the Interior.

Ottawa, Ontario.

13th December, 1913.

Enclosure 3 in No. 68.

(No. 252A.)

FROM THE PRIME MINISTER TO THE JAPANESE CONSUL-GENERAL.

MY DEAR MR. YADA,

Ottawa, Ontario, 13th December, 1913.

ONE observation which I made at a previous interview might well be repeated and emphasized for the consideration of your Government. If any discrimination exists under present conditions, it might be found in the fact that the wives and children of Japanese residents in British Columbia have privileges of entering this country, notwithstanding the Order in Council now in force, which are not enjoyed by certain other persons whom I mentioned.

Yours faithfully,

R. L. BORDEN.

Honourable C. Yada,

Imperial Consul-General for Japan,

Ottawa, Ontario.

Enclosure 4 in No. 68.

(No. 253.)

FROM THE CONSUL-GENERAL OF JAPAN TO THE MINISTER OF THE INTERIOR.

(Confidential.)

MY DEAR DR. ROCHE,

216, Metcalf Street, 16th December, 1913.

IN reference to our conversation of yesterday about the application of the new Order in Council, touching the restriction of the immigration into Canada, which was promulgated by the Canada Gazette of the 13th December, I beg to inform you, that, by what you have stated about this question, I was made to understand that the new regulation above referred to will not be applied to the Japanese people belonging to the classes set forth in the Lemieux Understanding, which was arrived at between Canada and Japan, 1908, that is to say:—

1. Returning immigrants, irrespective of the duration of their residence in Canada.
2. Wives and children of residents in Canada called by them.
3. Domestic servants called by residents in Canada.
4. Agricultural settlers;

or, in other words, practically speaking, it remains just same as before the promulgation of the Order in question, so far as the application thereof to the Japanese subjects is concerned.

I shall be glad if you will kindly favour me an answer confirming the above.

Believe me, yours faithfully,

C. YADA,

Consul-General of Japan.

The Honourable Dr. W. J. Roche,

Ottawa, Canada.

Enclosure 5 in No. 68.

(No. 254.)

FROM THE CONSUL-GENERAL OF JAPAN TO THE SUPERINTENDENT OF IMMIGRATION.

Imperial Consulate General of Japan for the Dominion of Canada, Ottawa,  
DEAR MR. SCOTT, 17th December, 1913.

I BEG to acknowledge with thanks the receipt of your favour dated the 16th December, informing me that you have instructed your officers at Vancouver and Victoria to delay the enforcement of the provisions contained in P.C. 2642 against persons of Japanese origin who sail from Japan before the 27th instant.

In view of the fact there are no Japanese mechanics and other common labourers coming to Canada, except those belonging to the special classes under the understanding between Canada and Japan, and that these Japanese belonging to the above-mentioned classes have been regarded by the Canadian Government as admissible to this country despite the Order in question, I might understand that the Order, practically, will not be applied to the Japanese immigrants at all; and this, according to you, is clearly understood by your officers at Victoria and Vancouver.

In order, however, to prevent any trouble arising from misunderstanding, I trust that you will see to it that your instructions be sent to the officers at the said two ports to the effect that the Japanese coming under the following categories should be out of the application of the new Order in question, viz.:—

1. Returning immigrants, irrespective of the duration of their residence in Canada;
2. Wives and children of Japanese residents called by them;
3. Domestic servants.
4. Agricultural settlers.

Thanking you in advance for your kind attention to the matter,

I remain,

C. YADA,

Consul-General of Japan.

W. D. Scott, Esquire,

Superintendent of Immigration,

Ottawa.

Enclosure 6 in No. 68.

(No. 255.)

FROM THE MINISTER OF THE INTERIOR TO THE CONSUL-GENERAL OF JAPAN.

MY DEAR SIR,

Ottawa, Ontario, 19th December, 1913.

I HAVE been so busy I have not had time to communicate with you *re* the letter you left with me yesterday, and as I am leaving for the West on the midnight train, I am dropping you a few lines to draw your attention to the Note-Verbale submitted to you on the 13th,\* which clearly sets forth the views of the Government regarding the recent Order in Council prohibiting the entry into British Columbia until 31st March, 1914, of all labourers and artisans. I wished to refresh my mind as to the nature of this memorandum before communicating with you. You will remember you were advised that the Order in Council would not be enforced against any of those leaving Japan prior to the 15th December, and at your suggestion the date was made the 22nd, owing to a vessel leaving Japan on that date. In your letter to me of the 16th instant, you in effect ask that the Order in Council should not apply to Japan at all, which would be contrary to the memorandum submitted to you by the Prime Minister. This, of course, would be discrimination in favour of Japan, and we wish to avoid this charge. I think, therefore, it is not necessary for me to add anything to the memorandum before mentioned, except to emphasize the statement that the Order will be administered in a friendly spirit towards Japan.

Wishing you the compliments of the season,

I am, &c.,

W. J. ROCHE.

Imperial Consulate-General for Japan,

Ottawa.

\* (No. 252.)



Enclosure 7 in No. 68.

(No. 256.)

FROM THE SUPERINTENDENT OF IMMIGRATION TO THE DEPUTY MINISTER OF THE INTERIOR.

(Memorandum.)

MR. CORY, Department of the Interior, Ottawa, 19th December, 1913.

I SEND you herewith original letter\* from the Japanese Consul-General, and would ask for your instructions as to whether or not our officers are to be notified that returning immigrants, irrespective of the duration of their residence in Canada, shall be admitted together with their wives and children. P.C. 2642 does not include domestic servants and agricultural settlers, and there is consequently no need of any instructions going to our officers regarding those classes. As any orders which are to be given in this regard should be attended to at once, perhaps you would give this immediate attention.

W. D. SCOTT,  
Superintendent of Immigration.

Enclosure 8 in No. 68.

(No. 257.)

FROM CONSUL-GENERAL OF JAPAN TO SECRETARY OF STATE FOR EXTERNAL AFFAIRS.

(Confidential.)

(Note-Verbale.)

ON Saturday before last (13th December) when your Note-Verbale was at hand, I immediately called on the Minister of the Interior, but could not have a chance to see him.

It was not until the Monday before last (15th December) when I had at last the pleasure of seeing him, by whom I was informed that your Government, following the resolution of the Cabinet Council of Friday before last that the Order in Council should be administered liberally to Japanese, had admitted all my claims on the question of the entry of agricultural settlers and of the duration of residence in Canada required of the returning immigrants, thus admitting the Japanese under the following categories:—

1. Wives and children of Japanese residents sent for by them;
2. Domestic servants engaged by Japanese residents;
3. Returning immigrants, irrespective of the duration of their residence in Canada;
4. Agricultural settlers;

in other words, the Japanese specified in the Lemieux Understanding, are to be, in fact, out of the application of said Order. I have, therefore, expressed to him my sincere appreciation of the friendly consideration of the Canadian Government as to the Japanese in this particular case, which I presumed as a manifestation, not only of the friendship of the Canadian Government toward Japan, but of their clear understanding that the Lemieux Understanding has been, and is, the most effective measure to solve the immigration problem.

And on the next day I took to the Minister a confidential letter, a copy of which is attached herewith,† and requested him to confirm it in shape of reply in order to affirm the above steps taken by the Canadian Government in conformity with my claims. Having refused to meet my request at once, he reserved his reply until after a consultation at the Cabinet meeting. I was very much disappointed indeed, as I had every reason to expect his favourable confirmation, on receiving his reply after several days passed to the effect that the request I made in my letter of the 16th instant would be contrary to your Note-Verbale, and this would also be discrimination in favour of Japan, and further that it is not necessary for him to add anything to your note except to emphasize the statement that the Order will be administered in a friendly spirit towards Japan.

It is to my regret that in order to find concurrence of views between us I am obliged to draw your attention to the following points:—

The Lemieux Understanding, as you are well aware, is not merely the Japanese Government's own line of action, but an agreement between the Canadian Government and the Government of Japan, as a result of the mutual understanding effected

\* (No. 254.)

† (No. 253.)

by the negotiations held between the then British Ambassador at Tokio and the Hon. Mr. Lemieux, the Canadian envoy specially despatched for the purpose, on the one hand, and on the other the Government of Japan: that is to say, it is an agreement between, and to be observed by, the Canadian Government and the Government of Japan, based upon the mutual understanding that the latter will restrict voluntarily, within reasonable limit, the volume of immigration into Canada on the one part; while, on the other, the former will admit the Japanese immigrants under the categories specified in the agreement. This very fact may evidently be traced in the notes exchanged in the course of the said negotiations between the parties, and also in the reporting address of the Hon. Lemieux on his return as well as in the statements in the Parliament and on other occasions of the then Premier, Sir Laurier, and other gentlemen regarding the Understanding as "agreement" or "arrangement," and they never regarded this Understanding merely as a restriction or a regulation voluntarily exercised by the Government of Japan (see the attached papers), and even your good self called it, if I remember it correctly, "agreement" (see Parliament Record, page 7127 to 7128). From the foregoing it is clear that the understanding has been realized by the Canadian Government, not merely as a declaration, but as an agreement which shall be respected and observed alike by both parties to it. Nevertheless, the authorities of both Governments, should their explanation have been required by the public, might have tried to explain this understanding as merely a regulative control of Japanese emigration into Canada voluntarily exercised by the Japanese Government and nothing more. But it must be borne in mind that the contents of the understanding have been kept confidential by both Governments. So that, the public explanation of the Governments might be only a conventional one made from the standpoint of party politics, and, therefore, it does not affect in the least the agreement in its true nature. And one of the strongest proofs that the said Understanding is an agreement which should be observed by both the concluding parties may be found in the letter of Hon. Mr. Lemieux under the date of 22nd January, 1908, to Count Hayashi, the then Minister of Foreign Affairs of Japan, a copy of a part of which letter is herewith appended.

It would be idle to say that the existence of this agreement has been the very reason why the Government of Japan, during the last several years, exercised strict restrictions upon the immigration into Canada, living up almost to the letter of the understanding, and moreover declared their intention to maintain with equal effectiveness the limitation and control which they have since 1908 exercised.

While I highly appreciate the good will of your Government displayed in the kind arrangement of the Minister of the Interior regarding the application of the recent Order, it is a great regret that I find in your Note-Verbale certain views different from those of the Japanese Government, which I cannot pass unnoticed. Of course, I do not like to indulge myself in such argument, and yet I do desire, as I deem it my duty to reply to your Note-Verbale which I reserved at our last meeting until the receipt of instructions from my Government, to present my frank views, as I shall freely express here orally, trusting that you will take them in the same spirit.

Another point to which the Japanese Government reluctantly calls your attention is that, the recent Order, in its face as well as in its practical working, discriminates Japanese immigrants, because it does not close the entries of Canada on the Atlantic Coast and the borders of the United States of America, other than those touching British Columbia, through which, practically, enter all Europeans and Americans, while it does close only the entries on the Pacific and the border of British Columbia, thus prohibiting in fact Japanese as against Europeans and Americans. Such a discriminative Order in fact does evidently contradict with the declaration of the Canadian Government made when the former adhered to the Anglo-Japanese Treaty of 1911.

In short, although I wish I could avoid such arguments as the foregoing, as my Government is well aware of the circumstances which made the recent Order necessary and also of your sincere friendship towards Japan, the Japanese Government is deeply concerned that the Order, even though being general in its terms and temporary in its nature, is apparently applicable even to the Japanese specified in the said Agreement and there is little indication that the Agreement is duly observed by the Canadian Government. In fact, however, the term of the Order is only for little over three months, so short as the number of the Japanese immigrants of specified classes entering during that term can hardly amount to concern the Canadian Government. Moreover, if necessary, the Japanese Government



may exercise their restrictions over the immigration. In its practical phase, the recent case has not any grave bearings. The essence of the case, therefore, is the question of the principle of the Lemieux Understanding, which the Japanese Government regards, after all, as most important. This is the point that I ask you to fully realize. Under the circumstances and for the reasons above stated, I have requested the other day that your Government would add to the Order a proviso as in the precedent case of the P.C. 926, 9th May, 1910, virtually to exempt Japanese from its application, but this request was refused by your Government for the reason that such measure would impose inconvenience upon the party politics.

I earnestly hope, with the instructions of my Government, that the Canadian Government will take into consideration the foregoing statements in their full sense, and, in view of the cordial friendship between the two countries, will furnish me with a note, no matter whether formal or informal, private or confidential, confirming the steps taken by the Minister of the Interior with a view to affirming the mutual observance in principle of the understanding in question. It is the earnest desire of the Japanese Government as well as myself to bring this matter to a satisfactory close, and thereby to prevent the occurrence of any regrettable difficulties in the future, thus assuring the friendly relations now happily existing between the Governments and people of the two countries.

C. YADA.

Imperial Consulate-General for Japan,  
Ottawa, 24th December, 1913.

EXTRACT from Hon. Mr. Lemieux's official letter, dated the 22nd January, 1908, to Count Hayashi, the then Minister of Foreign Affairs of Japan.

It is with much gratification that I am able to inform you that the arrangement offered by you on behalf of the Japanese Government for the settlement of certain questions that had arisen between Japan and Canada with regard to the emigration of Japanese to this country has been accepted by the Parliament and Government of the Dominion of Canada as entirely satisfactory.

\* \* \* \* \*

Enclosure 9 in No. 68.  
(No. 258.)

FROM THE FIRST MINISTER TO THE CONSUL-GENERAL OF JAPAN.

(Secret and Confidential.)  
(Note-Verbale.)

Ottawa, Ontario, 8th January, 1914.

1. THE Prime Minister of Canada has had under consideration the Note-Verbale delivered by the Imperial Consul-General for Japan on the 26th December last.

2. Owing to the absence of the Minister of the Interior it has been impossible to give the necessary attention and consideration to the subject in the meantime.

3. The Prime Minister appreciates the friendly spirit of the Note-Verbale and the disposition of the Imperial Japanese Government, and its representative, to arrive at a satisfactory conclusion in respect of the divergent views which have been expressed.

4. It is to be noted that the Lemieux Understanding was reached at a time when, under the terms of the treaty then in force, Japanese subjects had full liberty to enter, travel and reside in any part of Canada, and that the Imperial Government of Japan, appreciating the local conditions then existing in British Columbia, undertook, as a friendly act, to exercise regulative control. There was not a definite arrangement restricting the number of domestic and agricultural labourers who should be permitted to emigrate to Canada, but merely a statement that the Imperial Japanese Government did not contemplate, under the then existing circumstances, that these two classes should exceed four hundred annually.

5. In other words, the Imperial Japanese Government appear to have reserved to themselves full power to exercise such regulative control according to their own discretion; but, being animated by a sincere desire to maintain friendly and cordial relations between the two countries, they approached the subject with a view of meeting the local conditions prevailing in Canada so far as was consistent with the spirit of the treaty and the dignity of the State.

6. Due regard to these considerations does not lead the Prime Minister to concur on all points with the views expressed in the Note-Verbale delivered by the Imperial Consul-General for Japan on the 24th December. In respect of the other matters alluded to he is constrained to reaffirm the views expressed in his note of 13th December.

7. In this regard the Prime Minister renews the suggestions which are expressed in the 12th paragraph of his Note-Verbale of 13th December.

8. While adhering to the view expressed in that note, the Prime Minister has been impressed by the representations set forth in a letter of Sir Wilfrid Laurier of 3rd March, 1909, which has been brought to his attention by the Imperial Consul-General. Further he does not fail to have regard to the reports which have been made to him by the officers of the Department of Immigration chiefly charged with the duty of superintendence in such matters, who report that the Lemieux Understanding has not only been faithfully observed by the Imperial Japanese Government, but has been reasonably effective.

9. Under the circumstances the Minister of the Interior, after consultation with the Prime Minister, has been authorized to write a confidential letter, copy whereof is attached,\* to the Imperial Consul-General of Japan, and it is hoped that this letter will bring to a satisfactory conclusion the incidents which have formed the subject of discussion.

#### APPENDICES.

#### COPIES OF PREVIOUS CORRESPONDENCE BROUGHT TO MR. BORDEN'S NOTICE BY JAPANESE CONSUL-GENERAL.

##### (1)

FROM THE FIRST MINISTER TO THE CONSUL-GENERAL OF JAPAN.

DEAR SIR,

Ottawa, 3rd March, 1909.

IN answer to your letter asking for information concerning the Bill introduced by Mr. Oliver, on the subject of immigration, I have to inform you that Mr. Oliver's object in presenting this legislation in no way affects the relations which we now have with Japan. On the contrary, some of its provisions are intended to facilitate the carrying out of our present arrangement with your country.

I take this opportunity to express our satisfaction that the arrangement which was made last year by your Government with Mr. Lemieux has been faithfully carried out, and there is no reason why the good relations which have always existed between our respective countries should not remain as friendly as they are at the present time.

Yours very sincerely,

WILFRID LAURIER.

T. Sugimura, Esq.,

Consulate-General of Japan,

Laurier Avenue East, Ottawa.

##### (2)

FROM THE SUPERINTENDENT OF IMMIGRATION TO THE CONSUL-GENERAL OF JAPAN.

(Refer to No. 3909 (4) Immigration.)

SIR,

Ottawa, 23rd December, 1909.

I BEG to acknowledge the receipt of your letter of the 18th instant, and to say that I propose issuing instructions to the port and border inspectors in accordance with the terms of your previous letter and will send you a copy of such instructions.

Your obedient servant,

W. D. SCOTT,

Superintendent of Immigration.

Honourable Takashi Nakamura,  
Consul-General for Japan,  
Ottawa.



(3)

FROM THE ACTING SUPERINTENDENT OF IMMIGRATION TO CANADIAN INSPECTORS OF IMMIGRATION.

SIR,

Ottawa, 24th December, 1909.

I HEREWITH send you, for your information, one sample each of the two forms of passport recently adopted by the Government of Japan to issue to subjects of that Government coming to Canada. The form marked "A" is the same as the form previously used for all classes, but it is now to be employed only in the case of merchants, travellers, and others not belonging to the labouring class. The form marked "B" is now, and will be used hereafter, exclusively for persons belonging to the labouring class. These forms have been in use since the 1st June, 1909.

In view of the fact, of which we are assured, that the Japanese Government is acting thoroughly in the spirit of the Lemieux arrangement in the issue of passports, it is desirable that our agents should take all possible precaution to prevent anything which may give unnecessary trouble to Japanese subjects coming to Canada.

It is to be understood that the purpose of the existing agreement is the restriction of the immigration of Japanese labourers, and that its object is not to prevent other classes of Japanese travellers coming into Canada.

Merchants, travellers, and other Japanese subjects not belonging to the labouring class are entitled to enter Canada without passports, and therefore they should not be rejected merely on the ground that they do not possess such, nor should a Japanese traveller, who is entitled to enter without a passport, be objected to because he holds a passport in which Canada is not specially mentioned, the passport in his possession showing that he does not belong to the labouring class.

In the case of Japanese subjects coming to Canada bearing passports in the form "A," dated the 1st June, 1909, or subsequently, the bearer should be allowed to enter without delay as such passports are issued only to those not belonging to the labouring class.

We have the assurance of the Japanese Government, and feel confident, that the Government does not issue passports to Japanese labourers desiring to come to Canada unless they belong to the limited classes specified as permissible, and therefore the passports issued should be accepted by our agents without question so long as there is no evidence that the bearers are objectionable immigrants under the terms of the Immigration Act.

Your obedient servant,

L. M. FORTIER,

For Superintendent of Immigration.

(4)

FROM THE MINISTER OF THE INTERIOR TO THE CONSUL-GENERAL OF JAPAN.

DEAR SIR,

Ottawa, 31st January, 1910.

I HAVE your letter of the 26th instant asking if the proposed amendments to the Immigration Act will authorize discriminatory regulations applicable to Asiatics only.

In reply I beg to say that the arrangements between Canada and Japan will not be affected in the least by the proposed amendments, as they do not in any sense make provisions for any discriminatory regulations applicable to Asiatics only as mentioned by you.

Yours faithfully,

FRANK OLIVER,

Minister of the Interior.

T. Nakamura, Esq.,

Consul-General for Japan,  
Ottawa.

(5)

CONSUL-GENERAL OF JAPAN TO THE MINISTER OF THE INTERIOR.

MY DEAR DR. ROCHE,

Ottawa, 27th November, 1912.

IN accordance with our conversation of yesterday morning I beg to enclose herewith, for your information, the following papers:—

No. 1.—Statement concerning restriction and control of emigration of Japanese labourers to Canada, together with copy of the confidential correspondence

from the Imperial Minister for Foreign Affairs to the British Ambassador at Tokyo.

No. 2.—Copy of memorandum relating to the immigration question from the Japanese Ambassador at London to Sir Hubert of the British Foreign Office, 6th March, 1911.

No. 3.—Copy of Note-Verbale relating to the immigration question handed by Consul-General of Japan at Ottawa to the Minister of Finance on 10th May, 1911.

No. 4.—Interpretations of Article 1 and 8 of the Anglo-Japanese Commercial Treaty agreed upon between the British and Japanese Government.

In presenting these papers to you I beg to request that, as I stated to you yesterday, the papers mentioned in No. 1 be kept strictly confidential and that the contents of those memoranda mentioned in Nos. 2 and 3 be regarded as confidential until my Government agree to make them public. I also beg to state that I shall be very much indebted to you if you will be good enough to bring to the attention of the Right Honourable R. L. Borden those facts as set forth in the statement marked No. 1.

In view of remarkable and satisfactory result of the restriction of Japanese labour emigration to Canada, which the Imperial Government has attained, as well as of their repeated assurances to continue their present policy of restriction, and also in view of those special relations now happily existing between your mother country and Japan, permit me to express to you my earnest hope that the Canadian Government may come at an early date to a favourable decision in the matter of Canada's adhesion to the Commercial Treaty between Great Britain and Japan.

I remain,

Yours faithfully,

T. NAKAMURA,

Consul-General of Japan.

The Honourable W. J. Roche,  
Minister of the Interior,  
Ottawa, Canada.

Sub-Enclosure 1 in (5.)

(Confidential.)

#### RESTRICTION AND CONTROL OF EMIGRATION OF JAPANESE LABOURERS TO CANADA.

WHEN, towards the close of the year 1907, the Canadian Government despatched to Japan a Commission consisting of the Honourable Rodolphe Lemieux, Postmaster-General and Minister of Labour, and Mr. Joseph Pope, Under-Secretary of State, to discuss with the Government of Japan the question of restricting the emigration of Japanese labourers to Canada, the Imperial Government explained to the Commissioners the manner in which they had been strictly regulating the question of emigration of labourers to Canada, declared that although the sudden increase which had taken place at the time in Japanese emigration to Canada was mainly due to an increase in the number of persons going from the Hawaiian Islands and those who, holding passports for the United States with the object of proceeding to that country, had temporarily landed in Canada, still, being anxious at all times to maintain the exceptionally friendly relations subsisting between Japan and Canada, and confidently believing that the Canadian Government would always be ready to take suitable measures to check the various anti-Japanese movements in the Dominion, they were prepared to exercise still greater control in dealing with the emigration of Japanese labourers to Canada; they further assured the Commissioners that they would grant permit only to emigrants of such specified classes as embodied in the confidential correspondence which the Imperial Minister for Foreign Affairs sent to the British Ambassador at Tokyo, under date of the 23rd December, 1907, copy of which is herewith appended.\*

With a view to the faithful carrying out of this understanding, the Imperial Government issued minute instructions to their Consular Officers residing in Canada and to the local authorities in Japan, who were directly charged with the duty of granting passports (refer to the above-mentioned confidential correspondence). By such instructions, the issuance of passports to those labourers intending to go to Canada was absolutely prohibited unless the intended emigrants were, after an inquiry, which is briefly described below, found to possess the necessary qualifications. Thus, for the emigration of persons who have previously resided in Canada, and the wives and children of emigrants, domestic servants, and agricultural

\* Not sent to the Colonial Office.



labourers duly sent for, the fact of their previous residence or having been sent for must be certified by a Japanese Consular Officer in Canada, who is required before issuing certificates to ascertain, in the case of those who have previously resided in Canada, not only the fact of such residence, but especially whether their characters are such as to justify their returning again to Canada; in the case of wives and children, besides satisfying himself as to the character of the persons sending for them, he is to ascertain whether such persons have the means and are in a position to support their families, and in the case of domestic servants, and agricultural labourers, he also ascertains in a similar manner whether the engagements are in keeping with the position and extent of business of the employers. If the result of his inquiries proves unsatisfactory, he is in no case to grant a certificate. These inquiries, moreover, are nowise mere matters of form; for the Consular Officer prosecutes his inquiries by summoning the applicant for the certificate; by visiting his shop or residence; by taking the testimony of reliable persons intimately acquainted with the applicant, and by such other means as come within his official competence. Hence, except in cases like those of persons who have previously resided in Canada, where the facts to be ascertained are comparatively simple, there have been many instances in which the grant of certificates was refused by the Consular authorities.

Upon the receipt of an application for permit for an emigrant to proceed to Canada, the competent local authorities are authorized to give it favourable consideration only when they are satisfied, first, that the applicant is in possession of a Consular certificate; secondly, that the facts stated in the certificate correspond with the allegations contained in the applications; and thirdly, that the person mentioned in the certificate is beyond doubt identical with the applicant.

Thus, in order to emigrate, whether by reason of previous residence, or because of being sent for, or on account of other circumstances, two barriers must be passed, namely, the Consular authority abroad and the local authorities at home. Further, to ensure precision and uniformity in the matter, the local authorities are required to forward the application, together with the necessary papers bearing thereon, to the Department of Foreign Affairs and obtain approval of the Minister before they can grant the passport. Even in non-emigrant cases, while it is needless to say that *bona fide* merchants, tourists and students may enjoy freedom of entrance into Canada, control somewhat similar to that above described is exercised voluntarily by the Imperial Government. On this account, various complaints have been heard among the people of Japan, against the excessive severity of these measures, and especially in the Imperial Diet the matter has frequently been made the subject of attacks on the Government; but although the Government have been hampered in no slight degree in connexion with their domestic policy by such adverse criticism, they have borne it patiently from their sole desire to commit no error in the general situation.

That the result of the measures of restriction and control above spoken of is remarkable may be seen from the monthly statistics showing the number of Japanese subjects proceeding to and returning from Canada, which the Consul-General of Japan at Ottawa has been sending to the Canadian Government for their information. Among other things the following fact may be regarded as a primary evidence that the Imperial Government have conscientiously and in entire good faith carried out the understanding:—

"In the latter part of the aforesaid confidential note addressed to the British Ambassador, the Imperial Government expressed their confidence by stating that under existing circumstances, the number of emigrants who would go to Canada as household servants and agricultural labourers would not exceed four hundred annually. But, the Imperial Government having acted with great caution in the matter the number of such emigrants annually proceeding to Canada during the last four years (from July, 1908, to June, 1912), has averaged only 37, or less than one-tenth of the maximum number stated."

It is therefore confidently believed that the Canadian Government will readily perceive from what has been stated above how faithfully the Imperial Government have been putting into effect the declaration which they made to that Government respecting their decision in regard to the Japanese-Canadian emigration question.

Sub-Enclosure 2 in (5).

PORTION RELATING TO IMMIGRATION QUESTION OF A MEMORANDUM SENT FROM THE JAPANESE AMBASSADOR TO SIR HUBERT OF THE BRITISH FOREIGN OFFICE ON 6TH MARCH, 1911.

"THE Imperial Government intend to maintain their policy in regard to the restriction of Japanese immigration to Canada after the expiration of the present treaty with the latter. The understanding arrived at between the two Governments in 1908 on the subject of immigration is quite independent of the existing treaty concluded between Japan and Canada in 1906, and does not terminate on the expiration of that treaty between Japan and Canada. Moreover, as there is no occasion such as that which happened in having the proviso of Article 2 of the existing treaty between Japan and the United States struck out, the Imperial Government are of opinion that there is no necessity for their giving an assurance to Canada on the subject, nor do they think that any misunderstanding shall arise in absence of such assurance."

Sub-Enclosure 3 in (5).

NOTE-VERBALE RELATING TO THE IMMIGRATION QUESTION BETWEEN CANADA AND JAPAN, HANDED TO THE MINISTER OF FINANCE, ON 10TH MAY, 1911.

REGARDING the immigration question between Canada and Japan, the Consul-General of Japan has been instructed by his Government to express the latter's views in the following sense:—

"The understanding arrived at in 1907 between the Canadian and the Japanese Governments on the subject of immigration is quite independent of the existing treaty concluded between Canada and Japan in 1906, and does not terminate on the expiration of that treaty. Consequently, it is the intention of the Imperial Government to maintain, after the termination of the present treaty, their policy with regard to the restriction of immigration of Japanese labourers to Canada.

"In the case of the new treaty between Japan and the United States, the proviso of Article 2 of the existing treaty has been struck out, and consequently, owing to an apprehension on the part of the United States Senate that misunderstanding may arise by leaving that new treaty as it is, the Imperial Government thought it reasonable to declare, with a written document, to maintain their policy in regard to the restriction of Japanese labourers' immigration to the United States.

"But in the case of Canada the state of affairs is quite different. There is no occasion such as that which happened in having such proviso as above mentioned struck out. Moreover, the Imperial Government have, up to the present, faithfully abided by the understanding of 1907 in regard to the restriction of Japanese labourers' immigration to Canada and they are determined to maintain this policy in the future. Under these circumstances, in the opinion of the Imperial Government, there is no necessity for their giving a special written assurance on the subject to the Canadian Government on the occasion of Canada's adherence to the new treaty between Great Britain and Japan, nor do they think that any misunderstanding shall arise in absence of such written assurance. The Canadian Government may safely rely upon the sincerity of the Imperial Government in this respect, and if the former find anything but satisfaction after Canada's adherence to the new treaty, they shall be quite at liberty to withdraw this adherence by twelve months' notice in accordance with the second paragraph of Article 27 of the new Anglo-Japanese Treaty."

Sub-Enclosure 4 in (5).

*Interpretations of Articles 1 and 8 of the Anglo-Japanese Commercial Treaty.*

THE provisions of Article 1 do not interfere with any immigration legislation of either of the Contracting Parties that does not in any way differentiate against the subjects of the other Contracting Party as compared with the subjects or citizens of the most-favoured nation.

Article VIII mentions the "United Kingdom" and "Japan" by name, while the other clauses of the treaty generally refer to the "High Contracting Parties." It is understood, therefore, that the provisions of Article VIII do not apply to His Majesty's Dominions beyond the Seas or Colonies.



Enclosure 10 in No. 68.

(No. 259.)

FROM THE MINISTER OF THE INTERIOR TO THE IMPERIAL CONSUL-GENERAL OF JAPAN.  
(Secret and Confidential.)

MY DEAR SIR, Ottawa, Ontario, 8th January, 1914.  
IN further reply to your letter of the 16th December last, I have conferred with the Prime Minister respecting the request therein set forth. We have been impressed by the communication from Sir Wilfrid Laurier to the then Consul-General of Japan, under date the 3rd March, 1909, and by the consideration that the Lemieux arrangement has been so fully observed by the Imperial Government of Japan. Under the circumstances, while the rights conferred upon Japanese subjects entering Canada are entirely subject to the provisions of the Immigration Act of 1909, we are desirous of extending to the Japanese Government and its subjects the same friendly consideration which has been accorded by that Government to the Government of Canada. Thus, I am authorized by the Prime Minister to say that during the operation of the Order in Council promulgated in the Canada Gazette on the 13th December last, the provisions therein contained will not be applied to the Japanese subjects specified in your letter. It is hoped, however, that the Imperial Japanese Government may find it convenient to exercise regulative control as far as possible over any such persons who would be within the terms of the regulation in question.

This arrangement is of entirely confidential character; and moreover it is not to be regarded as derogating in any way from the undoubted right of the Canadian Government and Parliament to exercise full control of immigration from all countries, including Japan.

I have, &c.,  
W. J. ROCHE.

Honourable C. Yada,  
Imperial Consul-General for Japan,  
Ottawa, Ontario.

Enclosure 11 in No. 68.

(No. 260.)

FROM THE CONSUL-GENERAL OF JAPAN TO THE FIRST MINISTER.  
(Confidential.)

Imperial Consulate-General of Japan  
for the Dominion of Canada,  
Ottawa, 14th January, 1914.

MY DEAR MR. BORDEN,

IN reference to your Note-Verbale, dated the 8th instant,\* marked "secret and confidential," I have the honour to inform you that I am instructed by the Japanese Government to inform the Canadian Government that the Japanese Government were gratified to learn of the friendly adjustment of the British Columbia immigration question consistently with, rather than outside and independently of, Lemieux Agreement, and also that the Japanese Government appreciate the friendly attitude of the Canadian Government in the matter. I am further instructed to add that the Japanese Government are happy to regard the actual incident as satisfactorily closed, and also that the points upon which entire concurrence of views was not reached are reserved in the confident hope that those points will not hereafter become of moment. I am also instructed to assure the Canadian Government that the Japanese Government consider the adjustment as strictly confidential.

I have, &c.,  
C. YADA,  
Consul-General of Japan.

The Right Honourable R. L. Borden,  
Premier of Canada,  
Ottawa.

\* (No. 258.)

13903

No. 69.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 77.]

(No. 284.)

SIR, Downing Street, 21st April, 1914.  
I HAVE the honour to acknowledge the receipt of Your Royal Highness's telegram of the 15th instant,\* on the subject of the readmission to Canada of British Indians who have acquired domicile in the Dominion.  
2. I assume that your Government will have sent direct to the Consular Agents copies of the Immigration Act referred to.  
3. I am not clear as to the meaning of the words "any other agency" used in your telegram, but I presume that they mean "anybody save the immigration authorities at Victoria and Vancouver."

I have, &c.,  
L. HARCOURT.

13437

No. 70.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE AND INDIA OFFICE.

SIR, Downing Street, 25th April, 1914.  
WITH reference to [your letter of the 7th instant†] [the letter from this Department of the 22nd November last‡] I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [Secretary Sir Edward Grey] [the Marquess of Crewe], a copy of a Bill which has been introduced into the Legislature of Ontario, entitled "An Act to prohibit the Employment of Women by Orientals," together with a copy of a despatch§ to the Governor-General of Canada on the subject of this Bill and [of the] [of] Saskatchewan legislation [of a similar nature referred to in your letter above-mentioned.] [of a similar nature.]

3. A similar letter has been addressed to the [India Office] [Foreign Office].  
I am, &c.,

HENRY LAMBERT.

Enclosure in No. 70.

(No. 125. 1914.)

BILL.

AN ACT TO PROHIBIT THE EMPLOYMENT OF WOMEN BY ORIENTALS.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No person who is what is commonly known as an Oriental shall have any female person in his employment or under his direction or control in any capacity in any factory, shop, warehouse, dwelling or other place, or in any railway, steamboat, vessel or other conveyance, or in any indoor or outdoor employment or occupation whatsoever.

2. Every person who has any female person in his employ or under his control in contravention of Section 1 shall incur a penalty of not less than \$50 and not more than \$500, recoverable under The Ontario Summary Convictions Act.

Orientals prohibited from employing female labour.

Penalty for contravention.

Rev. Stat. c 90.

\* No. 64. † No. 62. ‡ L.F. transmitting copy of No. 137 in Dominions No. 44. § No. 66.



15962

No. 71.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st May, 1914.)

[Copies of enclosure to Foreign Office and India Office, 5th May, 1914. L.F.F.]

(Confidential. 6.)

SIR, Government House, Ottawa, 21st April, 1914.  
I HAVE the honour to transmit, herewith, copy of a letter from the Department of External Affairs on the subject of readmission to the Dominion of British Indians claiming domicile in Canada.

It is upon this letter that my telegram of the 15th instant,\* in answer to yours of the 3rd,† was based.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 71.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

(Confidential.)

SIR, Ottawa, 11th April, 1914.  
WITH reference to a Confidential telegraphic despatch from the Secretary of State for the Colonies to the Governor-General, dated 3rd April, 1914, on the subject of the refusal to eight British Indians, claiming domicile for the last six years in Canada, of readmission to the Dominion, I am to say that the Minister of the Interior is of opinion that it would be advisable to forward to each of His Majesty's Consular Officers at Japanese ports and other ports from which Asiatics, and especially East Indians, are likely to sail for Canada, a copy of the Immigration Act, and to call their attention particularly to Section 2 of the said Act, which defines Canadian domicile and indicates how the same may be lost. Fifty copies of this Act in pamphlet form are sent under separate cover for this purpose. If the East Indians above referred to, have acquired and not subsequently lost Canadian domicile, they are entitled to return to Canada as a matter of right, and other provisions of the Immigration law, such as are contained in the minutes of the Privy Council dated 7th January, 1914, No. 23 (Continuous Journey) and No. 24 (Asiatic Money Qualification), do not apply. Copies of these minutes are appended hereto.

It may be pointed out that in dealing with East Indians in British Columbia, the officials of the Government of Canada have discovered numerous attempts to enter the Dominion by claiming domicile which was never acquired, and for this reason it is quite impossible to authorize any agency outside of Canada to offer any assurance that an applicant will be admitted, as the only safe course lies in a very careful examination made by the officers of the Department of the Interior at Vancouver and Victoria, who are in a position immediately to verify claims. An arrangement is now being worked out for the registration outward from Canada of East Indians who desire and intend to return. This will remove some of the objections now being raised on the part of East Indians who wish to come back to Canada.

I am to request that His Royal Highness may be humbly moved to cause the Secretary of State for the Colonies to be informed in this sense.

I have, &amp;c.,

JOSEPH POPE,

Under-Secretary of State for External Affairs.

\* No. 64.

† No. 60.

AT THE GOVERNMENT HOUSE AT OTTAWA.

(P.C. 23.)

Wednesday, the 7th day of January, 1914.

Present.

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

THE Governor-General in Council is hereby pleased to rescind and revoke the Order in Council, dated 9th May, 1910 (P.C. No. 920), and the regulation thereby made and established.

The Governor-General in Council, under the authority of Section 38 of the Immigration Act, 9-10 Edward VII., chapter 27, is pleased to order as follows:—

From and after the date hereof the landing in Canada shall be and the same is hereby prohibited of any immigrant who has come to Canada otherwise than by continuous journey from the country of which he is a native or naturalized citizen and upon a through ticket purchased in that country or prepaid in Canada.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

The Honourable

The Minister of the Interior.

AT THE GOVERNMENT HOUSE AT OTTAWA.

(P.C. 24.)

Wednesday, the 7th day of January, 1914.

Present.

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

THE Governor-General in Council, under the authority of Section 37 of the Immigration Act, 9-10 Edward VII., chapter 27, is pleased to Order as follows:—

The regulation made by Order in Council, dated 9th May, 1910 (P.C. No. 926), under the authority cited above is hereby rescinded and revoked.

The following regulation is hereby made and established:—

"From and after the date hereof no immigrant of any Asiatic race shall be permitted to land in Canada unless such immigrant possess in his own right money to the amount of at least two hundred dollars. Provided that this regulation shall not apply to any person who is a native or subject of an Asiatic country as to which special statutory regulations inconsistent with this regulation are in force, or with which there is in operation a special treaty, agreement, or convention binding the Government of Canada if the provisions of this regulation be inconsistent with the stipulations of such treaty, agreement, or convention."

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

The Honourable

The Minister of the Interior.

14519

No. 72

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE AND INDIA OFFICE.

SIR,

Downing Street, 7th May, 1914.

WITH reference to previous correspondence on the subject of the restriction of immigration into Canada, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before [Secretary Sir E. Grey] [the Marquess of Crewe], copies of two despatches\* from the Governor-General of Canada, forwarding respectively (a) copies of the Canadian Order in Council on the subject, dated 31st March, and (b) copy of correspondence with the Japanese Consul-General at Ottawa respecting the position of Japanese in regard to the Canadian Immigration Regulations.

2. A similar letter has been addressed to the [India Office] [Foreign Office].

I am, &amp;c.,

HENRY LAMBERT.

\* Nos. 65 and 68.



18246

No. 73.  
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1914.)

(No. 289.)

SIR, Government House, Ottawa,  
8th May, 1914.

I HAVE the honour to forward, herewith, for your information, copies of a letter from the Department of External Affairs, dated 5th May, 1914, respecting the admission to Canada of British Indians who claim domicile in the Dominion.

I have, &c.,

ARTHUR.

Reference to previous despatch : C.O. No. 243, 7th April.\*

Enclosure in No. 73.

FROM DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 5th May, 1914.

REFERRING to the despatch to His Royal Highness from the Secretary of State for the Colonies, dated 7th April last, asking what permanent instructions the Canadian Government would desire to have issued to His Majesty's Consular Officers at Japanese ports in regard to the question of the admission to Canada of British Indians who claimed to be domiciled in the Dominion, I have the honour to state that, beyond the suggestions contained in my letter of the 11th ultimo, His Royal Highness's advisers are not in a position to indicate more precisely the nature of the instructions to be issued to the Consular Officers referred to. The Minister of the Interior is of the opinion that the only place where the question of the admission of these British Indians may be properly decided is at the Canadian port of entry on the Pacific Coast, where his Department has agents and interpreters who thoroughly understand both the regulations and the proper method of examination.

I am to suggest that His Royal Highness should be humbly moved to reply to Mr. Harcourt's despatch in the sense of the foregoing.

I have, &c.,

JOSEPH POPE,

Under-Secretary of State  
for External Affairs.

18798

No. 74.  
CANADA.

THE GOVERNOR OF HONG-KONG to THE SECRETARY OF STATE.

(Received 23rd May, 1914.)

[Copy to India Office, 19th June, 1914. L.F.]

(No. 136.)

SIR, Government House, Hong Kong, 27th April, 1914.

WITH reference to the telegraphic correspondence of which copies are enclosed, I have the honour to inform you that one Jara Singh, a Sikh resident of British Columbia, invoked the assistance of this Government in obtaining permission for his wife to enter Canada.

2. I enclose a copy of Jara Singh's letter; the decision of the Canadian authorities was communicated to him verbally.

I have, &c.,

F. H. MAY,

Governor.

\* No. 63.

Enclosure 1 in No. 74.

THE GOVERNOR, HONG KONG, TO THE DEPUTY-MINISTER OF INTERIOR, OTTAWA.

TELEGRAM.

16TH APRIL, 1914. Jara Singh, holding permission to return to Canada, requests permission to bring back wife. Papers appear to be in proper order, and in the circumstances of the case, strongly recommend that it be permitted. Telegraph reply please.

Enclosure 2 in No. 74.

THE MINISTER OF INTERIOR, OTTAWA, TO THE GOVERNOR, HONG KONG.

TELEGRAM.

16TH APRIL, 1914. Your message 16th. Regret regulations will not permit admission wife of Jara Singh.

Enclosure 3 in No. 74.

THE GOVERNOR-GENERAL OF CANADA TO THE GOVERNOR OF HONG KONG.

TELEGRAM.

19TH APRIL, 1914. In answer to your telegram of the 16th April to the Deputy-Minister of the Interior regarding Jara Singh, I confirm the reply of Mr. Corry to him. Government of Canada pointed out that if Jara Singh has been given permission to return from Agents Vancouver Victoria under new scheme registration no difficulty; admission wife debarred owing to coming from Hong Kong, not continuous journey as required by minute of Privy Council of Canada of 7th January last.

Enclosure 4 in No. 74.

THE GOVERNOR, HONG KONG, TO THE GOVERNOR-GENERAL OF CANADA.

TELEGRAM.

20TH APRIL, 1914. With reference to your telegram of 19th April, Jara Singh has made continuous journey from Calcutta, transshipment at Hong-Kong could not be avoided, as there was no direct steamer; in the circumstances of the case, urge strongly that admission to Canada may be permitted his wife; the man's papers are in proper order.

Enclosure 5 in No. 74.

THE GOVERNOR-GENERAL OF CANADA, TO THE GOVERNOR, HONG KONG.

TELEGRAM.

21ST APRIL, 1914. With reference to your telegram 20th April, Jara Singh. As stated in my telegram 18th April, if man's papers are in order and he has permission to return to Canada, there would be no objection on the part of Government of Canada. But his wife is not eligible for entry, as journey is not continuous; further, being Asiatic immigrant would be obliged to possess not less than \$200 and to pass medical examination.

Enclosure 6 in No. 74.

SIR, Sikh Temple, Wanchai, Hong Kong, 14th April, 1914.

I HAVE the honour to request you for the following favour:—

That I am a resident of British Columbia, Canada, for over seven years, where I own landed estate, too. I came to India in July last, and am now accompanied with my wife on the way back to Canada.

As I hold the attached paper from the immigration authorities, shipping companies are willing to issue passage tickets to me, but they refuse to do so for my wife. These shipping agents may be acting according to the instructions received from the Canadian Government, but I beg to point out that under the present circumstances I could not leave my wife behind, as there was no one to take her care in India.



The Canadian Government has often permitted exceptions in such cases, and I implore you, sir, either to request the shipping agent to issue me a passage ticket for my wife, or request the Canadian Government, by telegram, on my behalf, to permit me to take my wife with me, considering this as a special case. If needed, I am willing to pay the expenses for the telegram.

I may also add that I am a British subject, and hope that your Government will be kind enough to help me in this deplorable condition.

I remain, &c.,  
JARRA SINGH.

The Honourable  
The Colonial Secretary.

18246

No. 75.

CANADA.

COLONIAL OFFICE to INDIA OFFICE AND FOREIGN OFFICE.

[Answered by No. 86.]

SIR, Downing Street, 26th May, 1914.

WITH reference to the letter from this Department of the 5th instant,\* I am directed by Mr. Secretary Harcourt to transmit to you, for the information of [the Marquess of Crewe] [Secretary Sir Edward Grey], copy of a despatch† from the Governor-General of Canada, on the subject of the admission to Canada of British Indians who claim domicile in the Dominion.

I am, &c.,  
HENRY LAMBERT.

20850

No. 76

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR GENERAL.

(Sent 12.5 p.m., 7th June, 1914.)

TELEGRAM.

[Answered by No. 78.]

FOLLOWING telegram has been received by His Majesty the King:—

"No provisions since four days. Reid refuses supply charterers and passengers starving, kept prisoners.

"GURDITSINGH, 'Komagata Maru.'"

Please ask your Ministers to let me have a statement by telegraph which will enable me to lay the facts before His Majesty.—HARCOURT.

21108

No. 77.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th June, 1914.)

[Copies to Foreign Office and India Office, 16th June, 1914. L.F.F.]

(Confidential.)

SIR, Government House, Ottawa, 27th May, 1914.

WITH reference to your despatch No. 284 of the 21st April, 1914,† on the subject of the readmission to Canada of British Indians who have acquired domicile in the Dominion, I am informed by my responsible advisers that the phrase "any other agency" has been rightly interpreted by you as meaning any body save the Canadian Immigration authorities at Victoria and Vancouver.

The fifty copies of the Immigration Act were forwarded with my Confidential despatch (No. 6) of the 21st April.‡

I have, &c.,  
ARTHUR.

\* L.F. transmitting copy of No. 71. † No. 73. ‡ No. 69. § No. 71.

21359

No. 78.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.48 p.m., 10th June, 1914.)

TELEGRAM.

[Copy to India Office, 15th June, 1914.]

[Answered by No. 80.]

YOUR telegram of 7th June.\* Shipload of Hindus now in Vancouver Harbour. Government of Canada states that landing at Canada is prohibited because they are labourers. Order in Council establishing prohibition bearing date 31st March last, or thirty-two days before vessel left Yokohama. Government of Hong Kong made inquiry March last regarding exclusion of labourers at British Columbia ports, and little doubt that Hindus on ship were thoroughly aware, for upwards of twenty-seven days before they sailed, that there was in effect order debarring their entry, but notwithstanding this they elected to come forward with present results. Exclusion order applies not only to Hindus but to all others as well, including English-speaking peoples in United States. Authorities reported only way to handle shipload without danger of escape or riot was to examine Hindus on ship at a short distance from shore, and this is being done. They are supplied with both food and water, were permitted to consult their solicitors, and arrangements made for charterer to unload cargo and reload.—ARTHUR.

21537

No. 79.

CANADA.

INDIA OFFICE to COLONIAL OFFICE.

(Received 12th June, 1914.)

[Answered by No. 82.]

SIR, India Office, Whitehall, London, S.W., 12th June, 1914.

WITH reference to the correspondence on British Indian immigration into the Dominion of Canada ending with your letter of the 15th May, No. 16500,† I am directed by the Marquess of Crewe to transmit, for the consideration of Mr. Secretary Harcourt, a copy of a letter from the Government of India, covering a memorial‡ received from certain residents in the Punjab.

His Lordship is acquainted with the conditions required for the establishment of Canadian domicile, but he will be glad to be favoured with information as to the conditions governing naturalization in the Dominion.

I have, &c.,  
T. W. HOLDERNESS.

Enclosure in No. 79.

(No. 22 of 1914.)

GOVERNMENT OF INDIA: DEPARTMENT OF COMMERCE AND INDUSTRY: EMIGRATION.

MY LORD MARQUESS, Simla, the 16th April, 1914.

WE have the honour to forward, for Your Lordship's information, a copy of a memorial‡ from representative men in certain districts of the Punjab in regard to the grievances of Indians in Canada.

2. We should be glad to be informed if there is any truth in the statement on page 10 of the memorial, that while Chinese and Japanese immigrants find no difficulty in securing naturalization certificates after three years' stay in Canada, no Indian has yet been able to do so.

We have, &c.,  
R. W. CARLYLE.  
HARCOURT BUTLER.  
R. H. CRADDOCK.  
R. W. GILLAN.

To the Most Honourable  
the Marquess of Crewe, K.G.,  
His Majesty's Secretary of State for India.

\* No. 76.

† Not printed.



21359

No. 80.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.30 p.m., 15th June, 1914.)

TELEGRAM.

[Copy to India Office, 15th June, 1914.]

YOUR telegram of 10th June.\* Please inform Gurdit Singh that his telegram was duly received by the King, and that His Majesty commanded me to refer it to the Government of Canada, who have now stated that passengers on board "Koma-gata Maru" are supplied with food and water, and have been permitted to consult solicitors.—HARCOURT.

22179

No. 81.

CANADA.

THE LONDON ALL-INDIA MOSLEM LEAGUE to COLONIAL OFFICE.

(Received 19th June, 1914.)

[Answered by No. 98.]

The London All-India Moslem League,  
41, Sloane Street, S.W., 18th June, 1914.

SIR,

I AM directed by the Committee of the London All-India Moslem League to respectfully invite the attention of the Right Honourable the Secretary of State for the Colonies to the deplorable effect the attitude of the British Columbian authorities towards the Indian emigrants is creating in India.

The Committee feel sure that the illiberal treatment of the British Indians who have proceeded to British Columbia will give rise to an intense feeling of indignation against the Colony, in which, we fear, the Imperial Government may also be involved, on the ground that it does not exercise its authority for the protection of the interests of His Majesty's Asiatic subjects, who, by right of Imperial citizenship, consider themselves as much entitled to travel and settle in different parts of the Empire as the King's British or Colonial subjects.

The hostile and illiberal attitude of the Colonies, which is hardly consistent with the advance of civilization and the progress of ideas in the modern world, will probably lead to insistence on the part of the Indians for the adoption of retaliatory measures, which, if forced on the Indian Government by Indian public opinion, would cause an accentuation of the present feeling.

The Committee venture to hope that His Majesty's Government will, at this critical moment, use all possible endeavours, and take such measures as may be considered expedient and necessary, to stop the development of a crisis which is likely to place in conflict the Asiatic subjects of the King with His Majesty's overseas subjects.

The Committee respectfully submit that the injury to the economic interests of the Colonies is hardly of a magnitude to justify the extreme measures which are being adopted by the Columbian Government against the British Indians, and they think that some *modus vivendi* can be devised by which the conflicting interests may be so reconciled as to prevent the aggravation of a difficulty of a particularly unfortunate character, which is certain to retard the development of harmony and good-will all over the Empire.

I have, &c.,  
C. A. LATIF,  
Vice-President.

\* No. 78.

21537

No. 82.

CANADA.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 93.]

SIR,

Downing Street, 23rd June, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 12th instant,\* forwarding a copy of a letter from the Government of India covering a memorial from certain residents in the Punjab.

2. In reply, I am to enclose copies of the Canadian Naturalization Acts† at present in force, and to observe that as the memorial repeatedly lays stress on the fact of the Indians being loyal *British* subjects, the reference to naturalization is difficult to understand, as British subjects neither require nor are eligible for naturalization.

I am, &c.,  
HENRY LAMBERT.

23142

No. 83.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th June, 1914.)

[Answered by No. 87.]

(Secret.)

SIR,

The Citadel, Quebec, 15th June, 1914.

WITH reference to your Secret despatch of the 16th April last,‡ on the subject of certain legislation by the Provinces of Ontario and Saskatchewan, touching the employment of white females by Orientals in factories and restaurants, I am informed that no replies have been received, so far, from the Provinces touching the points raised by the Chinese Minister.

With regard to the extract from *The Times* of the 10th April, on the subject of an alleged proposal to segregate Asiatic school children in Vancouver City, I enclose a copy of a letter addressed by the Provincial Secretary of British Columbia to the Lieutenant-Governor, by which you will observe that no such proposal has even been hinted at by anyone in authority over the British Columbia schools.

I have, &c.,  
ARTHUR.

Enclosure in No. 83.

(Secret.)

SIR,

Victoria, 26th May, 1914.

In reply to the Private Secretary's communication of the 11th instant, regarding an item published in the *London Times* of the 10th April, forwarded by their correspondent in Toronto, to the effect that the local representative of Japan had protested against the proposal to segregate Asiatic school children in Vancouver City, I have the honour to state the matter has been investigated, and, in reply to a letter asking for full but confidential information in regard to the whole question, Mr. J. S. Gordon, Municipal Inspector of Vancouver Schools, writes, under date of 22nd May, as follows:—

"In reply to your inquiry regarding the rumour of a proposal in this city to segregate Asiatic school children, I can assure you that no such proposal has even been hinted at by anyone in authority in connexion with our schools. There was considerable talk on the streets here early in April about segregating Asiatics in the schools, and even of excluding them from the schools, but I hear nothing of it at present."

I have, &c.,  
H. E. YOUNG,  
Provincial Secretary.

His Honour  
The Lieutenant-Governor.

\* No. 79.

† Act R.S. 77 and amending Acts.

‡ No. 66.



23517

No. 84.  
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th June, 1914.)

[Answered by No. 102.]

(Secret.)

SIR, The Citadel, Quebec, 19th June, 1914.  
I HAVE the honour to forward, herewith, for your information, copies of an approved minute of the Privy Council for Canada, dated 15th June, respecting the timber and fishery regulations of the Province of British Columbia.

I have, &c.,

ARTHUR.

Reference to previous despatch: Colonial Office Secret (2), 10th March, 1914.\*

Enclosure in No. 84.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 15TH JUNE, 1914.

(P.C. 1404.)

THE Committee of the Privy Council have had under consideration a report, dated 18th May, 1914, from the Right Honourable the Secretary of State for External Affairs, upon a Secret (2) despatch from the Secretary of State for the Colonies to Your Royal Highness, dated 10th March, 1914, on the subject of certain timber and fishery regulations of the Province of British Columbia which operate disadvantageously against Japanese, and urging upon the Government of that Province the propriety of amending the wording of the conditions upon which these timber licences are granted.

The Minister submits a copy of a despatch (hereto attached) from the Lieutenant-Governor of British Columbia, enclosing a communication from his Prime Minister dealing with this subject.

The Committee of the Privy Council, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to forward a copy hereof, together with a copy of the despatch from the Lieutenant-Governor of British Columbia and its enclosures, to the Right Honourable the Secretary of State for the Colonies for the information of His Majesty's Government.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

SIR, Government House, Victoria, British Columbia, 8th May, 1914.  
WITH reference to your letter of the 25th March last, transmitting a copy of a Secret despatch from the Secretary of State for the Colonies to His Royal Highness the Governor-General, upon the subject of the propriety of amending the wording of the present timber and fishing regulations, which operate disadvantageously against Japanese, I have the honour to forward you herewith, a communication from my Prime Minister setting forth the views of the Government in this matter.

I have, &c.,  
THOMAS W. PATERSON,  
Lieutenant-Governor.

The Under-Secretary of State,  
Ottawa.

\* No. 52.

SIR,

Victoria, 7th May, 1914.

I HAVE the honour to acknowledge your communication of 31st March, transmitting a despatch from the Right Honourable the Secretary of State for the Colonies, conveyed to Your Honour through His Royal Highness the Duke of Connaught, Governor-General, with reference to representations made by the Japanese Government in respect of certain regulations affecting Japanese subjects in British Columbia, also an enclosure, copy of an Act of Parliament passed in Queensland, which makes provision for a language test as a means of restricting the employment of Asiatic labour, and to which practice, it is stated, the Japanese Government does not take objection.

With regard to the present regulations excluding Japanese from participation in the timber and fishing industries, I beg to observe that in former despatches the position of the British Columbia Government has been clearly set forth, and that it is unnecessary to repeat the reasons which actuated it in framing the regulations complained of.

As for the administration of the fisheries in British Columbia, the Federal Government must assume partial responsibility therefor. The arrangement complained of was adopted by both the local and Dominion Departments for precisely the same reason as that which moved the Province in the matter of the timber regulations.

The Right Honourable the Secretary of State for the Colonies has suggested the adoption of the Australian practice as applied to certain form of labour in the production of sugar and for other incidental purposes.

I have carefully studied the Act of Parliament enclosed in the despatch in question, and beg to point out, however satisfactory the results of such legislation may be in Queensland, as affecting labour in the production of sugar, it would be a very insufficient remedy for the Asiatic competition in labour of which the white population of British Columbia complain. Almost invariably when a Japanese arrives in British Columbia he begins the study of English, and practically every Japanese immigrant becomes in time more or less proficient in its use. Numbers of Japanese children attend the public schools and are, as a rule, apt students. Consequently, a language test, while it might temporarily be partially effectual as a bar to the employment of Japanese labour in the fishery and timber industries, would eventually prove altogether inadequate to meet the requirements of the case.

In former despatches it was pointed out that the Government had no desire to enact regulations discriminating in an offensive manner against Japanese, and if effective means can be devised to achieve the end in view other than those adopted, I am prepared to recommend them to the Executive Council and to the Legislature. The policy complained of is not directed against the Japanese for racial reasons; but wholly on account of considerations which are economic. The standards of living of the two races are so widely different that their competition in the labour market is unfair to white labourers, more particularly those of the English-speaking people.

His Honour the Lieutenant-Governor,  
Government House,  
Victoria, British Columbia.

I have, &c.,  
RICHARD MCBRIDE.

22179

No. 85

CANADA.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 91.]

SIR,

Downing Street, 29th June, 1914.

I AM directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Marquess of Crewe, the accompanying copy of a letter\* from the London All-India Moslem League, on the subject of Indian immigration into Canada.

2. I am also to enclose a draft of the reply† which, with the concurrence of Lord Crewe, it is proposed to address to the League.

I am, &c.,  
HENRY LAMBERT.

\* No. 81.

† See No. 98.



23908

No. 86.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 2nd July, 1914.)

[Answered by No. 88.]

SIR,

Foreign Office, 1st July, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letters of the 26th May and 16th ultimo,\* with regard to the action to be taken by His Majesty's Consular officers in Japan, with respect to British Indians who may in future be detained in Japan while on their way to Canada.

Sir E. Grey understands from these letters that the Government of Canada desire all such Indians to proceed to Canada for examination by the competent authorities on arrival, and proposes, subject to the concurrence of the Secretary of State for the Colonies, to instruct His Majesty's Consular officers accordingly.

In this connexion I am to point out that there is no question, in any circumstances, of emigrants being detained by His Majesty's Consular officers, who have no powers which would enable them to take such a step, nor of their undertaking any responsibility in connexion with intending immigrants generally.

The question under consideration is what instructions should be issued to His Majesty's Consular officers in the event of immigrants of Asiatic origin either becoming destitute owing to the refusal of a shipping company to forward them, or having occasion, from this or any other cause, to apply at any of His Majesty's Consulates for assistance.

I am, &amp;c.,

W. LANGLEY.

23142

No. 87.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copies to Foreign Office and India Office, 4th July, 1914. L.F.]

(Secret.)

SIR,

Downing Street, 2nd July, 1914.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's Secret despatch of the 15th June,† on the subject of legislation affecting Asiatics in certain Provinces of Canada.

2. It is desirable that His Majesty's Government should be in a position to return an early answer to the note from the Chinese Minister of the 2nd April,‡ and I trust that the replies of the Governments of Ontario and Saskatchewan will be very shortly in the hands of your Ministers.

I have, &amp;c.,

L. HARCOURT.

23908

No. 88.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 101.]

SIR,

Downing Street, 11th July, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 1st of July,§ on the subject of the action to be taken by His Majesty's Consular Officers in Japan, with respect to British Indians who may, in future, be detained there while on their way to Canada.

2. In reply, I am to request you to explain to Secretary Sir E. Grey that Mr. Harcourt gathers that the desire of the Government of Canada is merely that British Indians who apply for information or help to His Majesty's Consuls in Japan in connexion with their desire to enter Canada should be informed that

\* No. 75 and L.F. transmitting copy of No. 77. † No. 83. ‡ Enclosure in No. 62. § No. 86.

these officers have no authority to decide whether they can be admitted into Canada or not, that the question whether they can be admitted can be determined only after examination by the competent Canadian authorities on arrival in the Dominion, and that if they proceed to Canada they must do so at their own risk.

3. Mr. Harcourt is unable to express any opinion as to the instructions to be issued to His Majesty's Consular Officers in the event of immigrants of Asiatic origin becoming destitute, and he would suggest that reference should be made to the Secretary of State for India on the subject.

I am, &amp;c.,

HENRY LAMBERT.

23517

No. 89.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 96.]

SIR,

Downing Street, 11th July, 1914.

WITH reference to the letter from this Office of the 12th of March,\* I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, the accompanying copy of a despatch† from the Governor-General of the Dominion of Canada, on the subject of the operation of the timber and fishery regulations of the Province of British Columbia, together with a draft of a despatch‡ which, with Sir E. Grey's concurrence, Mr. Harcourt proposes to address to the Governor-General in reply.

I am, &amp;c.,

HENRY LAMBERT

25872

No. 90.

CANADA.

INDIA OFFICE to COLONIAL OFFICE.

(Received 16th July, 1914.)

[Answered by No. 94.]

(Confidential.)

SIR,

India Office, Whitehall, London, S.W., 15th July, 1914.

WITH reference to recent correspondence, I am directed by the Marquess of Crewe to inquire whether Mr. Secretary Harcourt can favour him with information as to the present condition of the Indian passengers remaining on the "Komagata Maru," and as to the probable movements of the vessel.

It has been represented to his Lordship that the passengers are now destitute and without food, and that it is impossible for them to return to Hong Kong unless financially assisted. Before consulting the Government of India as to the possibility of a compassionate grant to British Indian subjects who have been misled by the promoters of the voyage, his Lordship would be glad to know the exact facts of the case as they stand at present. Perhaps it could be ascertained what action the Dominion Government contemplates if it is true, first, that the persons rejected as prohibited immigrants are without food or money, and, secondly, that the persons responsible for chartering the ship are unable to fulfil the obligations they have undertaken.

I have, &amp;c.,

M. C. SETON,

Secretary,

Judicial and Public Department.

\* L.F. transmitting copy of No. 52.

† No. 84.

‡ See No. 102.



26056

No. 91.

CANADA.

INDIA OFFICE to COLONIAL OFFICE.

(Received 17th July, 1914.)

[Answered by L.F. transmitting copy of No. 98.]

(Confidential.)

SIR, India Office, Whitehall, London, S.W., 16th July, 1914.

I AM directed by the Marquess of Crewe to acknowledge the receipt of Mr. Lambert's letter of the 29th ultimo, No. 22179.\* His Lordship can take no exception to the terms of the answer which Mr. Secretary Harcourt proposes to return to the London All-India Moslem League; but, in view of the feeling in India, he fears that, if no notice is taken of the suggestion that some *modus vivendi* might be devised, the impression may be produced that His Majesty's Government is satisfied with the position of affairs which renders it easier for certain Asiatic aliens than for British Indian subjects to enter the Dominion of Canada. Mr. Harcourt has, of course, himself suggested the adoption by the Government of India of a policy on the same lines as that agreed to by the Japanese Government, but the discussion of the question has been confidential. If non-official spokesmen of Indian opinion were to propose any plan under which the Government of India were encouraged to intervene in the matter of free emigration, with a view to meeting the objections entertained by the Canadian Government to the unrestricted admission of immigrants from India, the situation would be materially altered.

I am, therefore, to suggest, for Mr. Harcourt's consideration, the addition to the draft letter of some such sentence as the following:—

"With reference to the belief expressed in the last paragraph of your letter that a *modus vivendi* could be devised which would reconcile conflicting interests, I am to say that Mr. Harcourt will be glad to receive any specific suggestions to that end which your Committee may have to offer."

I have, &amp;c.,

T. W. HOLDERNESS.

25872

No. 92.

CANADA.

THE SECRETARY OF STATE to THE ACTING GOVERNOR-GENERAL.

(Sent 4.57 p.m., 16th July, 1914.)

TELEGRAM.

[Answered by No. 95.]

(Paraphrase.)

CONFIDENTIAL. Your Confidential despatches 30th June.† Representations have been made to Secretary of State for India that passengers in "Komagata Maru" are now destitute and without food, and are unable, unless financially assisted, to return to Hong Kong. Before consulting Government of India as to possibility of compassionate grant to British Indian subjects who have been misled by promoters of voyage, Secretary of State for India would be glad to learn what action is contemplated by your Government, if it is true, first, that persons rejected as prohibited immigrants are without food or money, and, secondly, that persons responsible for chartering ship are unable to fulfil obligations which they have undertaken.

Please telegraph reply.—HARCOURT.

\* No. 85.

† 25516, 25521, 25522: not printed.

26134

No. 93.

CANADA.

INDIA OFFICE to COLONIAL OFFICE.

(Received 18th July, 1914.)

[Answered by No. 104.]

SIR, India Office, Whitehall, London, S.W., 17th July, 1914.

I AM directed by the Marquess of Crewe to express his thanks to Mr. Secretary Harcourt for the information as to the law of naturalization in Canada furnished in Mr. Lambert's letter of the 23rd ultimo, No. 21537.\* His Lordship agrees that the terms as to naturalization employed by the Punjab memorialists are probably due to a misunderstanding of the law, but he thinks it not unlikely that the point intended to be raised was that of the eligibility of British Indian subjects who have acquired Canadian domicile for full civic and political rights in the Dominion. He would, therefore, be obliged if he could be informed whether the naturalization in Canada of Chinese or Japanese aliens confers upon them exactly the same status as Canadian British subjects; and in the second place, whether a British Indian subject who has acquired a Canadian domicile thereby acquires full status as a citizen of the Dominion.† His Lordship thinks it possible that the Punjab memorialists mean to contend that a Japanese subject can by naturalization in Canada obtain civic and political privileges which no British Indian subject has in fact obtained.

It is possible, on the other hand, that by the phrase "naturalization certificates" the Punjab memorialists meant certificates of domicile. It is understood, however, that in numerous cases British Indian subjects have admittedly acquired Canadian domicile by three years' residence, as is acknowledged in the third paragraph of the memorial.

I have, &amp;c.,

T. W. HOLDERNESS.

25872

No. 94.

CANADA.

COLONIAL OFFICE to INDIA OFFICE.

(Confidential.)

SIR, Downing Street, 17th July, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th of July,‡ and to transmit to you, for the information of the Marquess of Crewe, the accompanying copies of the latest despatches§ received from Canada on the subject of the "Komagata Maru," together with a copy of a telegram|| which has been sent to the Officer Administering the Government on the question.

I am, &amp;c.,

HENRY LAMBERT.

26198

No. 95.

CANADA.

THE ACTING GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.15 a.m., 18th July, 1914.)

TELEGRAM.

[Copy to India Office, 20th July, 1914. L.F.]

[Answered by No. 97.]

(Paraphrase.)

WITH reference to your cipher telegram of 16th July.|| Government have received representations that passengers in "Komagata Maru" were without food

\* No. 82.

‡ No. 90.

§ 25516, 25521, and 25522: not printed.

|| No. 92.



and destitute, and that, though clearly liable, charterers refuse to supply them. Canadian Government thought it undesirable to supply provisions under the circumstances, as such a precedent might encourage other charterers to engage in similar expeditions. They consider, however, that benevolent action might relieve to some extent difficulties of British and Indian Governments by affording evidence of goodwill of Canadian Government, and therefore on 15th July, agreed with shipowners that they would provision ship to Hong Kong at a cost not exceeding \$4,000, provided that departure of ship with immigrants is immediate.

Ship is expected to sail to-day.

26224

No. 96.

CANADA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 20th July, 1914.)

SIR,

Foreign Office, 18th July, 1914.

I AM directed by Secretary Sir E. Grey to acknowledge the receipt of your letter of the 11th instant,\* enclosing a draft of a despatch to the Government of Canada, on the subject of the effect of the British Columbian Timber and Fishery Regulations upon Japanese subjects.

Sir E. Grey concurs in the terms of this draft.

I am, &amp;c.,

W. LANGLEY.

26198

No. 97.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.17 p.m., 20th July, 1914.)

TELEGRAM.

[Copy to India Office, 21st July, 1914. L.F.]

[Answered by No. 99.]

YOUR telegram 17th July,† in regard to "Komagata Maru." Should be obliged if I could be kept informed by telegraph how matters develop.—HARCOURT.

22179

No. 98.

CANADA.

COLONIAL OFFICE to THE LONDON ALL-INDIA MOSLEM LEAGUE.

[Copy to India Office, 23rd July, 1914. L.F.]

[Answered by No. 103.]

SIR,

Downing Street, 21st July, 1914.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 18th of June,‡ relative to the Indian emigrants who have proceeded to British Columbia.

2. Mr. Harcourt presumes that the reference in your letter is to the case of the Indians on board the steamship "Komagata Maru," whose claim to enter the Dominion of Canada has been under the consideration of the Immigration authorities of the Dominion in accordance with the Immigration Act of Canada.

3. The matter has received the attention of the Canadian Government and of His Majesty's Government, but, in so far as the question is one of the right of British Indian subjects to enter Canada, I am to remind you that at the Imperial

\* No. 89.

† No. 95.

‡ No. 81.

Conference of 1911 (*vide* [Cd. 5745] p. 395), the Marquess of Crewe explicitly declared, on behalf of His Majesty's Government, that the view that every subject of the King, whoever he may be or wherever he may live, has a natural right to travel, or, still more, to settle, in any part of the Empire is one which cannot be maintained, and, further, recognized as beyond dispute the right of the self-governing Dominions to decide for themselves in each case who are to be admitted as citizens of the respective Dominions.

4. With reference to the belief expressed in the last paragraph of your letter that a *modus vivendi* could be devised which would reconcile conflicting interests, I am to say that Mr. Harcourt will be glad to receive any specific suggestions to that end which your Committee may have to offer.

I am, &amp;c.,

HENRY LAMBERT.

26825

No. 99.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.40 a.m., 22nd July, 1914.)

TELEGRAM.

[Copy to India Office, 23rd July, 1914. L.F.]

[Copy to Admiralty, 24th July, 1914.]

(Paraphrase.)

WITH reference to your cipher telegram of 20th July.\* Have seen Prime Minister to-day and hope to telegraph fully to-morrow. It is the intention of the Government to use cruiser "Rainbow" to carry out enforcement of the law. Authorities fully cognizant of situation and no unnecessary force will be used.—ARTHUR.

26935

No. 100.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.40 p.m., 22nd July, 1914.)

TELEGRAM.

[Copy to India Office, 23rd July, 1914. L.F.]

[Copy to Admiralty, 24th July, 1914.]

(Paraphrase.)

My telegram of yesterday.† I am informed by Prime Minister that Mr. Burrell, Minister of Agriculture, has telegraphed from Vancouver that the Hindus have yielded control of the "Komagata Maru," that steam is now up, provisions are being put on board, and the departure of the vessel is expected this afternoon. The "Rainbow" is to accompany the ship on the first day.

A very difficult situation has thus, I am glad to report, been handled without resort to violence.—ARTHUR.

26844

No. 101.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 23rd July, 1914.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a letter to the India Office relative to the detention in Japan of Asiatic emigrants bound for Canada.

Foreign Office,

22nd July, 1914.

Reference to previous correspondence: Letter to Foreign Office, 11th July, 1914.‡

\* No. 97.

† No. 99.

‡ No. 88.



Enclosure in No. 101.

SIR, Foreign Office, 21st July, 1914.  
I AM directed by Secretary Sir E. Grey to transmit to you herewith, to be laid before the Secretary of State for India, copies of correspondence between this Department and the Colonial Office with regard to the question of emigrants of Asiatic origin who may be detained in Japan while endeavouring to proceed to Canada.

Sir E. Grey proposes, subject to Lord Crewe's concurrence, to instruct His Majesty's Consular Officers in Japan to inform any British Indian subjects who may apply to them for advice or assistance in the circumstances contemplated in the enclosed correspondence that they have no power to decide whether intending immigrants can be admitted to Canada or not; that the question can only be determined, after examination, by the competent Canadian authorities on arrival in the Dominion; and that if they proceed to Canada they must do so at their own risk.

If intending immigrants, on receipt of this information, are unwilling, or, owing to the refusal of the shipping companies to take them, unable, to proceed to Canada, Sir E. Grey proposes to issue instructions that they should be advised to return to India, and, if their circumstances necessitate it, assisted to do so in accordance with the rules laid down on pages 216 *et seq* of the General Instructions to His Majesty's Consular Officers, 1907.

I am, &c.,  
W. LANGLEY.

The Under Secretary of State,  
India Office.

23517

No. 102.  
CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.  
(Secret.)

SIR, Downing Street, 23rd July, 1914.  
I HAVE the honour to acknowledge the receipt of Your Royal Highness's Secret despatch of the 19th of June,\* communicating the views of the Government of British Columbia on the subject of the Timber and Fishery Regulations of the Province, which operate differentially against Japanese subjects.

2. I observe from Sir Richard McBride's letter of the 7th of May that, in his opinion, the adoption of a language test, as provided for in the legislation of Queensland, with regard to the employment of labour in the production of sugar, would be an insufficient remedy for Asiatic competition in labour in British Columbia, on the ground that Japanese immigrants into the Province rapidly become proficient in the use of the English language. I shall be glad if your Government will explain in confidence to the Government of British Columbia that the language test, as adopted in the Commonwealth of Australia, for the purposes of immigration, and in Queensland for other purposes, is now a complete bar to the immigration or employment of any person against whom it is used. As will be seen on reference to Section 2 of the Queensland Act, No. 4 of 1913, a copy of which accompanied my Secret despatch of the 10th of March last,† the dictation test is not confined to English, but to such language as the responsible Minister may direct. It is, therefore, open to examine a Japanese applicant in some foreign language which he could not possibly understand.

3. While, therefore, the language test, as adopted and administered in Australia, is completely adequate for the purpose of excluding immigrants or for any analogous end, such a mode of procedure has the advantage from the point of view of international policy of avoiding direct differentiation against the subjects of a friendly Power. In these circumstances His Majesty's Government trust that the Government of British Columbia may see their way to give further consideration to the suggestion for the adoption of the language test which was made in my despatch of the 10th of March.†

I have, &c.,  
L. HARCOURT.

\* No. 84.

† No. 52.

27443

No. 103.

THE LONDON ALL-INDIA MOSLEM LEAGUE to COLONIAL OFFICE.

(Received 27th July, 1914.)

SIR, The London All-India Moslem League,  
41, Sloane Street, S.W., 25th July, 1914.  
I HAVE the honour to acknowledge the receipt of your letter dated the 21st instant,\* in reply to the representation of the Committee of the London All-India Moslem League on the subject of the Indian emigrants into British Columbia, and beg you to convey our thanks to the Right Honourable the Secretary of State for the Colonies for his courteous communication.

The Committee hope to submit to Mr. Harcourt in the course of a few days the suggestions which they think might offer a reasonable solution of the difficulties that have arisen in connexion with the question of Indian emigration into British Columbia.

I have, &c.,  
C. A. LATIF,  
Vice-President.

26134

No. 104.

CANADA.

COLONIAL OFFICE to INDIA OFFICE.

SIR, Downing Street, 27th July, 1914.  
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 17th of July,† on the subject of the reference to the law of naturalization in Canada in the memorial from certain residents in the Punjab, copy of which was enclosed in your letter of the 12th of June last.‡

2. In reply, I am to request you to inform the Marquess of Crewe that Section 24 of the Canadian Naturalization Act (Revised Statutes, 1906), Chapter 77, provides that "An alien to whom a certificate of naturalization is granted shall within Canada be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject within Canada, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect." The provisions of this section do not, of course, debar the Dominion Parliament from imposing disabilities on naturalized persons by other legislation, and it is, moreover, understood that they are not incompatible with the imposition of disabilities on naturalized persons by the Legislatures of the Provinces.

3. A person who has the status of natural-born British subject in India has the same status in Canada, but this position is not incompatible with the imposition of disabilities by special legislation either by the Dominion Parliament or by the Provincial Legislatures. Under existing legislation it is not open, as far as the Secretary of State is aware, to any Japanese or Chinese to obtain by naturalization in Canada civic and political privileges for which British Indian subjects are not qualified. It is not, however, possible to say under what Canadian Acts, if any, in addition to the Immigration Act, the exercise or enjoyment of rights by British subjects born outside Canada is dependent on the acquisition of Canadian domicile.

4. I am to add that the suggestion in the second paragraph of your letter, that the term "naturalization certificates" in the memorial refers to certificates of domicile, appears to be precluded by the fact that no provision is made in the Immigration Act for the issue of certificates of domicile. In any case, it will be seen from the enclosures to the letter from this Office of the 5th of May,§ that steps have been taken, by a system of registration, to facilitate the return to Canada of domiciled British Indian subjects.

I am, &c.,  
HENRY LAMBERT.

\* No. 98.

† No. 93.

‡ No. 79.

§ L.F. transmitting copy of enclosures in No. 71.



28334

No. 105.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd August, 1914.)

(Secret.)

SIR, Government House, Ottawa, 23rd July, 1914.  
I HAVE the honour to transmit, herewith, for your information, copy of a letter from the Prime Minister, enclosing correspondence regarding the possibility of a more satisfactory arrangement on the subject of the immigration of the Chinese labour class into Canada.

I have, &c.,  
ARTHUR.

Enclosure in No. 105.

THE PRIME MINISTER to H.R.H. THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Ottawa, 16th July, 1914.  
I HAVE the honour to enclose, for the information of Your Royal Highness, a letter under date 22nd June last from the Consul-General for China, proposing a more satisfactory arrangement respecting the immigration of Chinese labour class into Canada, also a memorandum from E. Blake Robertson, Assistant Chief Comptroller of Chinese Immigration, upon the same subject. These documents are, for the present, confidential.

I have, &c.,  
R. L. BORDEN.

(Confidential.)

SIR, Chinese Consulate-General for Canada,  
Ottawa, 22nd June, 1914.  
FOLLOWING our recent conversation upon the subject of some more satisfactory arrangement respecting the admission of Chinese labour class into Canada, and in pursuance of your suggestion that I should put my ideas into some concrete form in order that your colleague, the Honourable Mr. Burrell, might having something concrete to discuss with those in British Columbia having more particularly to do with the subject, I have the honour to suggest as heads for consideration the following:—

1. I understand that it is felt by many in Canada that the number of Chinese labour immigrants coming into Canada is unduly large and that something should be done to restrict this number. As it is desired to accomplish this result, I am instructed to say that the Government of China will be willing to co-operate with your Government to that end and that the Government of China will be willing, in order to bring about a more satisfactory condition of affairs for those persons of Chinese labour class admitted into Canada, to restrict the number coming into Canada within one year to, say, 1,000 persons, or such greater number as your Government may think proper. My understanding is that the number was over 7,000 last year, so that you will notice that my suggestion proposes something really important.

2. If the number is restricted in this way, it is then fair to propose that the present head tax, \$500, which is naturally regarded as objectionable by my people, should be dispensed with. As a further offset to this, the Government of China will be willing to undertake the responsibility of issuing certificates and in that way permitting to leave China only such persons as are considered proper by the officials of the Government of China.

3. It should follow that Chinese immigrants and non-immigrants when in Canada should have the full protection of the laws of Canada and enjoy the same rights, privileges, and liberties while in Canada as the citizens of Canada or the subjects or citizens of the most favoured nation enjoy.

4. In the event of it being desired, in order to expedite any extraordinary public work or other enterprise in Canada, to bring in Chinese labourers to a number which would be in excess of the number stipulated by the agreement, the Government of China would agree to co-operate with the Government of Canada from time to time to that end.

5. It seems to me quite necessary that the Act known as Chinese Immigration Act now in force shall cease and the Chinese immigrants and non-immigrants shall be governed by the General Immigration Act of Canada, which applies to all other nations.

These are merely by way of suggestion, as I think you desire; I trust that they will have the very serious consideration of yourself and your colleagues, and that we may eventually be in a position to discuss terms of an agreement.

In the meantime, I have, &c.,

YANG SHU WEN,  
Chinese Consul-General.

The Right Honourable  
Sir R. L. Borden, K.C., &c.,  
Prime Minister of Canada,  
Ottawa.

MEMORANDUM.

(Confidential.)

MR. J. G. MITCHELL,

I RETURN you herewith letter from the Prime Minister to the Honourable Dr. Roche, together with communication addressed to Sir R. L. Borden by the Chinese Consul-General.

From 1885 down to the present time the legislation upon the subject of Chinese immigration has had but one end in view—the exclusion of the Chinese coolie class, or the bringing of the number of arrivals down to such a number that they will not seriously affect economic conditions in this country. With this object the head tax of \$50 was imposed in 1885, which was increased to \$100 in 1900 and \$500 in 1904. At each increase of the head tax a falling-off in Chinese immigration occurred until such time as the Chinese were in a position to accommodate themselves to the new arrangement. In the fiscal year 1912-13, 7,078 paid the head tax, and in 1913-14, 5,274 paid the head tax. From these figures it is apparent that our attempt to limit the number of arrivals by the imposition of the head tax is a failure, and, if a failure, it rests upon the Government to adopt some other means to bring about the desired result. The principle of the head tax is, I believe, generally admitted to be wrong, and I doubt if even an increase of the head tax to, say, \$1,000, would stop the influx. There therefore remains only the enactment of exclusive legislation or a mutual agreement between the two countries along the lines suggested by the Chinese Consul-General.

At the taking of the last census there were in Canada 27,734 Chinese and 9,021 Japanese. Since that date the arrival of Chinese has been about ten times as large as Japanese. The population of China is 432,000,000, and of Japan 52,000,000. It would therefore appear to me advisable that in the event of any arrangement being made between the two countries the number of Chinese arrivals should be limited to the neighbourhood of, say one-third of that specified by the so-called Lemieux Agreement pertaining to Japan. In view of the population of China, of the number already here, of the likelihood of the full number arranged for by the agreement coming forward annually and the desirability of keeping the proportion of the yellow race to the white in British Columbia at at least as low a figure as at present, I think the limit set by the Chinese Consul is larger than should be considered.

Should a satisfactory arrangement as to number be made, I see no reason why the suggestions in paragraph No. 2 and paragraph No. 5 of the Chinese Consul's letter should not be complied with, as would also be the case with paragraph No. 4, although so long as the present public feeling towards Oriental immigration is the same as at present, there will be little likelihood of any Government of this country arranging to bring forward Chinese to carry on public works.

With regard to the suggestion that Chinese persons should enjoy the same rights and privileges in Canada as the subjects of the most favoured nations, the Government would very likely be put in the position of having to veto Provincial legislation such as that introduced in the Saskatchewan and Ontario Parliaments prohibiting the employment of white girls by Chinese and Japanese employers, although possibly if it was apparent that the Government had made a serious effort to limit this class of immigration the Provincial governments would be less likely to attempt to enact drastic legislation.

E. BLAKE ROBERTSON,  
Assistant Chief Controller of Chinese Immigration.

Ottawa, 29th June, 1914.



30249

No. 106.

## FOREIGN OFFICE to COLONIAL OFFICE.

(Received 14th August, 1914.)

[Copy of Enclosure to Governor-General, 19th August, 1914; No. 633. L.F.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch to Sir C. Greene relative to Canadian immigration from Japan.

Foreign Office,  
13th August, 1914.

Reference to previous correspondence: Letter from Foreign Office, 22nd July.\*

Enclosure in No. 106.

SIR, Foreign Office, 12th August, 1914.  
WITH reference to my despatch No. 73, of 9th May, regarding Canadian immigration restrictions, I have to request Your Excellency to issue to His Majesty's Consular Officers in Japan the following instructions for their guidance in circumstances similar to those described in your telegrams Nos. 9 and 26 of 13th February and 25th March respectively.

His Majesty's Consular Officers should inform any British Indian subjects who may apply to them for advice or assistance in the circumstances referred to above that they have no power to decide whether intending immigrants can be admitted to Canada or not; that this question can only be determined, after examination, by the competent Canadian authorities on arrival in the Dominion; and that if they proceed to Canada they must do so at their own risk.

If intending immigrants, on receipt of this information, are unwilling, or, owing to the refusal of the shipping companies to take them, unable, to proceed to Canada, they should be advised to return to India, and, if their circumstances necessitate it, assisted to do so in accordance with the rules laid down on pages 216 *et seq* of the General Instructions to His Majesty's Consular Officers, 1907.

I am, &amp;c.,

E. GREY.

His Excellency  
The Right Honourable  
Sir C. Greene, K.C.B.,  
&c., &c., &c.

28334

No. 107.

## COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 15th August, 1914.  
WITH reference to the letter from this Department of the 12th March,† I am directed by Mr. Secretary Harcourt to transmit to you, for the information of Secretary Sir Edward Grey, copy of a despatch‡ from the Governor-General of Canada on the subject of the immigration of Chinese labourers into the Dominion.

I am, &amp;c.,

HENRY LAMBERT.

\* No. 101.

† L.F. transmitting copy of No. 51.

‡ No. 105.

11598

No. 108.

CANADA.

## THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th March, 1915.)

[Copy to Foreign Office, India Office, and Admiralty, 23rd March, 1915. L.F.]

(Secret.)

SIR, Government House, Ottawa, 22nd February, 1915.

WITH reference to your Secret despatch of the 16th April last,\* on the subject of representations made by the Chinese Minister in regard to certain Acts passed by the Legislature of Saskatchewan to prevent the employment of white women in "any restaurant, laundry, or other place of business or amusement owned, kept, or managed by any Chinaman," I have the honour to transmit, herewith, copies of an Approved Minute of the Privy Council for Canada setting forth the views of my responsible advisers.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 108.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 18TH FEBRUARY, 1915.

(P.C. 315.)

THE Committee of the Privy Council have had under consideration a report, dated 5th February, 1915, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a Secret despatch from the Right Honourable the Secretary of State for the Colonies, dated 16th April, 1914, with reference to representations made by the Chinese Minister in regard to certain Acts passed by the Legislature of Saskatchewan (chapter 17 of 1912, and chapter 18 of 1913) to prevent the employment of white women in "any restaurant, laundry, or other place of business or amusement owned, kept, or managed by any Chinaman."

The Minister observes that Mr. Harcourt asked what reply should be made to the representations of the Chinese Minister, and further asked that he might be furnished with copies of an Act, reported to have been passed by the Ontario Legislature, prohibiting the employment of white females by Orientals in a factory, restaurant, or laundry, together with any observations thereon which Your Royal Highness's advisers might have to offer.

As regards the Saskatchewan legislation, the Minister submits a copy of a despatch dated 4th September, 1914, received from the Lieutenant-Governor of that Province, as well as of correspondence enclosed therein between His Honour's Attorney-General and the Acting Consul-General of China at Ottawa, in which are set forth the grounds which, as the Saskatchewan Government considers, justify the legislation referred to.

The Minister also submits a duly certified copy of the Act of the Ontario Legislature (chapter 40 of 1914) referred to by Mr. Harcourt, with a copy of a letter received through the Lieutenant-Governor of Ontario, written by His Minister of Agriculture to the Provincial Secretary, explaining that this Act is only to come into force when proclaimed by the Lieutenant-Governor, and that no such Proclamation has yet been issued, or is at present under consideration. It will be observed that the Ontario Minister is of opinion that in any case the provision affecting Chinese persons is to be regarded as a police regulation, not more stringent than many other restrictions placed on the Ontario public, and is not open to objection.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to forward a copy of this minute, together with the annexed papers, to the Right Honourable the Secretary of State for the Colonies in reply to his despatch under consideration.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.



FROM THE LIEUTENANT-GOVERNOR OF SASKATCHEWAN TO  
THE SECRETARY OF STATE OF CANADA.

SIR, Government House, Regina, 4th September, 1914.

I HAVE the honour to acknowledge the receipt of a letter from the Under-Secretary of State, dated the 12th day of August last (Secret), respecting "an Act to prevent the employment of female labour in certain capacities," and to advise you that this matter was taken up on a previous occasion by Mr. Fu Ping Tien, Acting Consul-General for China in Canada. I am enclosing herewith two copies of correspondence exchanged at that time between the Acting Consul-General aforesaid and Honourable W. F. A. Turgeon, Attorney-General, on behalf of the Saskatchewan Government.

I would further advise that since the receipt of the above communication from the Under-Secretary, referred to above, the Government has again considered the matter in question, but there appears to be no reason why the attitude of the Government, as set out in the letter of the Attorney-General under date of 9th June, 1913, to the Acting Consul-General, should be changed.

With regard to request for information as to the legal status of the Act in question, I may state that its validity was contested by certain Chinese residents of this Province. The Supreme Court of Canada upheld the constitutionality of the Act. Leave to appeal from this decision to the Privy Council was applied for. The Privy Council recently handed down a ruling refusing leave to appeal unless the Attorney-General for Canada chooses to intervene. Nothing further has been done in the matter so far as the knowledge of this Government goes.

I have, &c.,

G. W. BROWN,

Lieutenant-Governor of Saskatchewan

The Honourable  
The Secretary of State,  
Ottawa, Ontario.

FROM THE ACTING CONSUL-GENERAL FOR CHINA AT OTTAWA TO  
THE ATTORNEY-GENERAL OF THE PROVINCE OF SASKATCHEWAN.

SIR, 283, Somerset Street, Ottawa, Ontario, 4th June, 1913.

I HAVE the honour to address you on behalf of the Government of China, as well as on behalf of the Chinese people resident in Canada, respecting the legislation enacted by the Legislature of your Province in the year 1912 in connexion with the employment of female labour by Orientals.

It should not be necessary to call your attention to the fact that legislation such as this must of necessity create unfriendliness of feeling between the people of the countries concerned, and that it must indirectly have a serious effect upon the trade relations between such countries. You are perhaps not aware that the present Government of China has expressed itself as favourable to the making of a trade agreement with Canada and that the Minister of Trade and Commerce for Canada is expecting to visit China about the present time.

My Government feels very seriously concerned regarding this legislation and desires me to express to you its anxiety that steps should be taken to remove it from the statutes of your Province. You are of course aware that similar legislation has been enacted in the Province of Manitoba, and that an attempt to enact similar legislation was made during the last session of the Legislature of the Province of Ontario. This indicates clearly a tendency to extend throughout the Dominion of Canada discrimination against the Chinese people, and, while it is my desire to use every possible courtesy in dealing with the situation, I feel that I could not too strongly protest against the encouragement of this tendency to discrimination against my people.

It would not be convenient in a communication such as this to enter into a discussion of the whole question. I am, of course, aware that there are reasons given for discrimination against my people, but I am quite content to ask you yourself to apply your knowledge of public affairs to the situation, feeling confident that you will believe that the Chinese people have long since proved themselves to be at least as desirable members of the several communities in which they live in Canada as many others whom the authorities of Canada are seeking to induce to come into this country. By way of example, there can be no essential difference between my people and those of Japan, and yet I understand that your Legislature has voluntarily amended the enactment in question, so as not to interfere with Japanese.

You will hardly require to be told that conditions are changed in China, and that there is an enormous prospect for friendly trade communication between that country and Canada, which it is my duty to foster in so far as I reasonably can do so. At the same time, you will understand, without my repeating it, that my efforts in this direction must of necessity be most seriously handicapped if you allow this legislation to remain on your statutes.

I therefore have the honour to ask that you bring this matter before your colleagues at once, and I trust that the result will be to enable you to give me some assurance as to prospective action at the next session of your Legislature, which I can forward to the Government of China, for their information, in connexion with the now pending trade negotiations.

I have, &c.,

FU PING TIEN,

Acting Consul-General.

The Honourable the Attorney-General  
of the Province of Saskatchewan,  
Regina, Saskatchewan.

FROM THE ATTORNEY-GENERAL OF THE PROVINCE OF SASKATCHEWAN TO THE  
ACTING CONSUL-GENERAL FOR CHINA AT OTTAWA.

DEAR SIR,

Regina, 9th June, 1913.

I ACKNOWLEDGE receipt of your letter of the 4th instant, regarding an Act passed by our Legislature in the year 1912, in connexion with the employment of female labour in certain cases.

The view taken by the Government of this Province is that, while from a general point of view the observations which you make concerning Chinese immigrants in Canada may be correct, nevertheless, conditions have prevailed in this Province which make it our duty to keep this law upon our statutes in the present form.

As to the point to which you refer of this Act having been amended in our last session in favour of the Japanese, I may say that there were several reasons for doing this, not the least practical of these being the fact that we have not many Japanese in this Province and very few, if any, engaged in the occupations covered by the Act. For that reason the request that we eliminate the Japanese from its provisions was not difficult to grant.

I quite appreciate the reason advanced by you as to why all measures should be avoided, if possible, which cause any friction between the people of this country and China, but under the circumstances we believe that to repeal our Act would be going a step beyond what the requirements of the public good in our own Province would allow us to do.

I remain, &c.,

W. F. A. TURGEON,

Attorney-General.

Mr. Fu Ping Tien.

Clerk's Office, Legislative Assembly,  
Toronto, Ontario, Canada.

I, ARTHUR HENRY SYDERE, of the city of Toronto, in the county of York, Clerk of the Legislative Assembly of the Province of Ontario, by Royal Authority duly appointed, do hereby certify that the annexed paper marked "A" is a true copy of an Act to amend the Factory, Shop, and Office Building Act which passed the Legislature of the said Province of Ontario in the session held in the fourth year of the reign of His Majesty King George V., and chaptered 40, said Act being duly assented to by His Honour the Lieutenant-Governor of the Province on the first day of May, 1914, of which facts, evidence being required, I hereby verify the same under my hand and the seal of the Legislative Assembly aforesaid.

Dated at the city of Toronto, on this eighth day of October, 1914.

ARTHUR H. SYDERE,

Clerk of the Legislative Assembly of Ontario.



## AN ACT TO AMEND THE FACTORY, SHOP AND OFFICE BUILDING ACT.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 18 of *The Factory, Shop and Office Building Act* is amended by adding the following sub-section:—

(5) It shall be the duty of the inspectors appointed under this Act to assist in the enforcement of *The Stationary and Hoisting Engineers' Act* to report to the Stationary and Hoisting Engineers' Board any violation thereof, and to furnish to the Board such information as they may have as to the conduct and capability of any person holding or applying for a certificate.

2. (1) The said Act is amended by adding the following section immediately after Section 31:—

31. (a) No Chinese person shall employ in any capacity or have under his direction or control any female white person in any factory, restaurant or laundry.

(2) Sub-section 1 shall not come into force until a day to be named by proclamation of the Lieutenant-Governor in Council.

3. Section 36 of the said Act is amended by striking out the word "ten" in the sixth line and substituting therefor the word "eight."

4. Section 43 of the said Act is amended by adding the following sub-section:—

(7) The Lieutenant-Governor in Council may make regulations for the more effectual carrying out of the provisions of this section.

5. Section 57 of the said Act is amended by adding the following sub-section:—

(5) From and after the first day of July, 1914, this section shall apply to all boilers except those in residential buildings other than apartment houses, and except those used for agricultural purposes.

6. Section 58 of the said Act is amended by adding the following sub-section:—

(5) In a factory, shop or office building no person under the age of eighteen years shall be allowed regularly to operate or control an elevator.

FROM THE MINISTER OF AGRICULTURE OF ONTARIO TO THE PROVINCIAL SECRETARY OF ONTARIO.

DEAR SIR,

Toronto, 28th August, 1914.

I BEG to acknowledge yours of the 20th instant, enclosing copies of communications received by His Honour the Lieutenant-Governor on the subject of the Acts relating to the employment of white women by Orientals, and forwarding an inquiry of the Chinese Minister in London, England, in this connexion. I note that he already has before him copies of the Act, and he will thereby be informed that its effect depends upon Proclamation being issued by the Lieutenant-Governor in Council. No such Proclamation has yet been issued, nor is it at present under consideration.

In reference to the justification of the Act, I may say that the Factories, Shops and Office Buildings Act, of which it is a part, contains a number of prohibitions and limitations in regard to the employment of labour of both sexes, and this provision is a part of these limitations, and is to be regarded as, in a sense, a police regulation. It is not more stringent than many of the restrictions on our own people and consequently cannot, it seems to us, be open to any objection or any other interpretation.

Trusting this is the information you desire,

F. V. Johns, Esq.,  
Acting Assistant Provincial Secretary,  
Buildings.

I am, &c.,  
JAS. S. DUFF.

## THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY to INDIA OFFICE.

(Received 15th May, 1915.)

[Answered by No. 114.]

Denison House, Vauxhall Bridge Road, London, S.W.,

MY LORD MARQUESS,

8th May, 1915.

THE Committee of this Society has from time to time during recent years brought before His Majesty's Government, either through the Colonial Office or the India Office, some of the disabilities from which His Majesty's Indian subjects are suffering in the self-governing Dominions, the Crown Colonies, Protectorates, and spheres of influence. In the opinion of the Committee, redress of these grievances is long overdue.

We recognize that this is not the moment to press for reforms, but, feeling convinced that the whole subject is under consideration with a view to redress at the earliest moment after the termination of international hostilities, we beg leave in this memorandum to bring before Your Lordship the pressing claims of the Indian community in British Columbia.

This Society received last year from the Friends' Association of British Columbia a copy of a minute passed by that body in August (of which we understood that a copy was also sent to the India Office) in regard to the position and treatment of British Indians domiciled in Vancouver and the adjacent districts of British Columbia, recommending the appointment of an experienced official to represent and protect the interests of these immigrants. Since that time we have been in communication with Mr. Robert Clark, a member of the above-named Association, who is now in this country and has made earnest representations to the India Office and our Society on the subject. We beg to enclose for Your Lordship's perusal a statement (somewhat abbreviated) of disabilities suffered by the Hindus, which has been forwarded to the Society by the local Association.

From this it will be seen that one of the most serious grounds of complaint relates to the prohibition of female immigrants. It is estimated that among about 4,000 British Indians now in British Columbia there are only five or six women, and no more are allowed by the Dominion authorities to enter. It is hardly necessary to point out that this disproportion between the sexes leads to the gravest evils.

Further, the Indians point to the contrast between their treatment and that accorded to the Japanese, who are allowed, under special treaty, to enter the province to the number of 400 per annum, which is often extended to 600 or 700. The Japanese are allowed to bring in their women without any restriction, and are admitted on showing that they possess 50 dollars on landing, while the Hindus have to possess 200 dollars.

Chinese immigrants are admitted on payment of 500 dollars per head without any limit in numbers, and, during twenty-four months in the years 1911-1913, 17,000 Chinese immigrants are said to have entered British Columbia. They are allowed as many women as they can support.

The British Indians feel very deeply the neglect with which their interests are regarded by Great Britain, and such neglect is only too likely to encourage disaffection and disloyal sentiments towards the Mother Country.

Mr. Robert Clark informs us that last year when feeling against these immigrants was strong and riots in Vancouver were feared, a number of old soldiers (Sikhs) who had fought British battles in many parts of the world and won medals for deeds of bravery threw the medals into the sea, declaring that they wanted to have no more to do with the British Empire.

On behalf of our Committee, we submit that the time is rapidly approaching when the whole influence of the Indian Government and the India Office should be directed towards securing throughout His Majesty's dominions some means by which the Indian community may become articulate in municipal and Colonial administration.



It is obvious that local conditions must govern the particular procedure by which reforms are to find practical expression and, possibly, as preliminary to any such action, His Majesty's Government might institute an official inquiry into the whole of this problem. If, for example, a Commission could visit certain of the Colonies, the members would not only gather information of the utmost value to His Majesty's Government, but would, at the same time, impress upon Colonial opinion the gravity of the issues at stake.

We have, &c.,

TRAVERS BUXTON,

Secretary.

JOHN H. HARRIS,

Organizing Secretary.

To the Most Honourable the Marquess of Crewe, K.G.,  
His Majesty's Principal Secretary of State for India.

Enclosure in No. 109.

DISABILITIES SUFFERED BY THE HINDUS IN VANCOUVER, BRITISH COLUMBIA.

Vancouver, 31st October, 1914.

THERE is an unreasonable prejudice on the part of nearly all white people caused by colour and by the Indian persisting in their native custom of wearing long hair, beard, and turban.

The law forbids the immigrants bringing their wives with them, with the result that many drift into immoral lives, resulting, in many cases, in disease and an entire want of respect for the white race and for Christianity. This prohibition and the recently made law excluding all Hindus of both sexes from British Columbia they regard as wholly unjust, considering that, as British subjects, they are entitled—subject only to reasonable restrictions—to move freely within the Empire.

In cases of accident, when working for companies and corporations, great injustice is often done, the companies practically never granting compensation until legally forced to do so, and then legal fees and other charges absorb almost all the allowance granted.

All places of amusement, and likewise most churches, are closed to Hindus.

Public-houses are open to them, and intoxicating liquors have been the downfall of many.

The immigrants strongly object to the humiliating practices insisted upon by the regulations. Men who return to India are allowed to come back if they return within one year, but only on condition that they leave their photographs and thumb-prints with the officials from whom they take the letter of permission to return. They regard the thumb-print as a bitter grievance and tantamount to a brand of criminality.

The treatment which the immigrants receive has resulted in a deep and bitter hatred against Canada and Canadians, and there is a current feeling among them that the British Government is glad of the Sikh when a good soldier is wanted, but is indifferent as to his treatment when he is working outside India for a livelihood.

If a British Indian officer of superior standing were appointed here with reasonable powers from the Dominion Government, he could adjust many matters for the immigrants to their betterment and satisfaction, and it would be felt that the British Government had some interest in their subjects when away from home.

*Illustration of Oppressive Treatment.*

Labh Singh, a labourer in a large lumber mill, was caught by his clothes in some machinery and his arm was badly injured. He was taken to the hospital, where he lay for several weeks. On leaving the hospital he applied to a member of the Friends' Association for assistance and two letters were written to the manager of the mill where the man was employed, on his behalf. Neither of the letters was acknowledged. A lawyer was then consulted and action commenced. At the last moment, on the day of the trial, Labh Singh's lawyer arranged a settlement with the lawyer acting for the mill, agreeing to bear all medical and other expenses. After long delay, payment not having been made, Labh Singh eventually referred to the lawyer of the Insurance Company with whom the mill had a policy, who offered him about half the amount promised. When he remonstrated, it appeared that the doctor was a partner in the mill and had worked with the hospital authorities to

induce the Court to issue a garnishee against the Insurance Company for their own charges, and to prevent the plaintiff from getting the allowance made him until these charges were paid. The man only got a mere pittance, less than half what he might earn in the lost time caused by the accident.

A Hindu named Ganga Singh is owner of a piece of land in Kerrisdale, a suburb of Vancouver, on which he pays taxes. He applied last summer to the building inspector of the municipality for a permit to build a small house, the charge for which is \$1.50, and he has his receipt for this amount. He was then advised that he could have his fee back but could have no permit to build the house. He applied to a member of the Friends' Association for assistance. The latter consulted the building inspector and laid the plans before him, but was told that no permit could be issued for a Hindu. It then appeared that a neighbouring councillor objected to a Hindu neighbour and was able to prevent the issue of the permit, thus causing the municipality to break its own laws. Protests being ineffectual, the man decided to put up a tent instead of building a house, and was then summoned by the police and ordered by the magistrate to remove the tent. Ganga Singh is advised to take no action but let the municipality take the first steps, but he is also informed that the magistrate's order hangs over him, and that if he does not appeal within six months it will be forced and he will then have no redress. The plaintiff is poor and has no funds for legal expenses. It appears that the municipality will break its own by-laws and be upheld by the Court in order to satisfy local colour prejudice. The Hindu says that there is no justice in the country and no righteousness under British rule.

22291

No. 110

CANADA.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 111.]

SIR,

Downing Street, 27th May, 1915.

I AM directed by Mr. Secretary Harcourt to request you to inform Mr. Secretary Chamberlain that he has received from the India Office the enclosed letter\* from the Anti-Slavery and Aborigines Protection Society, on the subject of the disabilities of Indian subjects in His Majesty's overseas dominions.

2. Mr. Harcourt would propose, if Mr. Chamberlain agrees, to reply that the position of Indians in the self-governing Dominions and Colonies is a matter which receives the constant attention of His Majesty's Government, and that the appointment of a Commission such as the Society suggests would be wholly mischievous, as it would certainly give rise to misapprehension in the Dominions.

3. It might also be added that, as regards South Africa, the Society are no doubt aware that the Indian question was fully inquired into before the outbreak of war by a Commission appointed by the Union Government, and that the recommendations of the Commission were given effect to by special legislation.

4. A copy of the letter, and of the enclosure thereto, has been retained in this Office.

I am, &c.,

HENRY LAMBERT,  
for the Under-Secretary of State

\* No. 109.



32078

No. 111

CANADA.

INDIA OFFICE to COLONIAL OFFICE.

(Received 13th July, 1915.)

[Answered by No. 112.]

SIR,

India Office, Whitehall, London, S.W., 12th July, 1915.

WITH reference to Mr. Lambert's letter of the 27th May, No. 22291,\* I am directed by Mr. Secretary Chamberlain to suggest, for the consideration of Mr. Secretary Law, that, since the Anti-Slavery Society in its letter of the 8th May† admits the impossibility of any immediate action, the reply might, with advantage, be confined to an assurance that the position of Indians in the Dominions and Colonies is a matter that receives the constant attention of His Majesty's Government, although it is premature to enter at present upon any general inquiry, even if the particular course suggested by the Society were likely to be welcomed by the Governments of the Dominions.

Mr. Chamberlain would venture to deprecate the introduction into correspondence relating solely to British Columbia of a reference to the Commission appointed in the Union of South Africa as the direct consequence of an outbreak of violent agitation. The Secretary of State in Council has already expressed (*vide* Sir T. Holderness's letter of the 9th December, 1913‡) the view, shared by the Government of India, that the refusal to admit the wives and families of men already in Canada is matter for extreme regret; and, so far as their letter deals with this particular point, the view taken by the Anti-Slavery Society seems to Mr. Chamberlain to merit every sympathy. The Secretary of State has some reason to believe that only the occurrence of the War prevented a serious agitation in India on this question, and the evidence now coming before the Lahore Courts as the result of the detection of a widespread revolutionary conspiracy shows how deeply the minds of many have been embittered against the British Empire by the policy followed in Canada in regard to Indians. Attention will undoubtedly revert to the subject after the War, and the Secretary of State has reason to believe that there is a considerable body of substantial opinion in India which would accept as a settlement (1) permission for families of immigrants to join the husbands and fathers now in Canada; (2) rights of admission not less favourable than those conceded to non-British Asiatics, such as Japanese.

The Secretary of State for India would venture to urge, on grounds of Imperial interests, that the Dominion Government should give very serious consideration to these suggestions.

I have, &amp;c.,

T. W. HOLDERNESS.

32078

No. 112.

CANADA.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 113.]

SIR,

Downing Street, 23rd July, 1915.

I AM directed by Mr. Secretary Bonar Law to acknowledge the receipt of your letter of the 12th instant,§ on the subject of the position of Indians in Canada, and to transmit to you the draft of a letter which it is proposed, if Mr. Secretary Chamberlain concurs, to address to the Anti-Slavery and Aborigines Protection Society in reply to their letter of the 8th May.†

2. Mr. Bonar Law fully appreciates the difficulties created in India by the grievances of the British Indians in Canada, and is anxious to take whatever steps are possible to remove them; but the proposals for a settlement suggested in your letter will require further consideration before they can be submitted to the Canadian Government. I am to point out that the Canadian Government have been

\* No. 110.

† No. 109.

‡ No. 145 in Dominions No. 44.

§ No. 111.

repeatedly pressed during recent years to modify the immigration law so as to permit the entry of the wives and minor children of Indians domiciled in Canada; but this request has been definitely refused. In the despatch\* enclosed in the letter from this Department of the 21st March, 1914,† the Canadian Government clearly stated that they were unable to modify their attitude upon this question, and Mr. Bonar Law fears, therefore, that it is useless to press the suggestion further unless some new basis of discussion is found.

3. As regards the suggestion that British Indians should be secured rights of admission to Canada not less favourable than those of the Japanese, I am to observe that, as Mr. Chamberlain is no doubt aware, the Japanese Government have undertaken to limit the number of immigrants to Canada from Japan to 400 a year. Canada is thus secured against an unlimited influx of Japanese immigrants, and it appears to Mr. Bonar Law that any proposals for a settlement of the Indian question on the lines suggested in your letter must be accompanied by some undertaking on the part of the Indian Government to regulate the emigration from India.

4. Mr. Bonar Law is aware that the Indian Government have in the past been unable to accept any proposal which would involve restriction of emigration by legislation (*vide* your letter of the 27th October, 1913‡); but it is possible that they may now be able to reconsider this decision or to formulate an alternative method of regulating emigration. The determination of public opinion in Western Canada not to tolerate an influx of Asiatics is the ultimate cause of the existing restrictions, rather than any special preference on the part of the Canadian Government for the methods in force, and any proposals made, if they are to have any chance of success, must, whatever form they take, supply a check on emigration as effective in fact as that which is now in force. It will be necessary, for instance, to satisfy the Canadian Government that any modification of the existing "continuous journey" clause in the immigration law in favour of British Indians would not result in a large influx of Indians into Canada. In this connexion reference may be made to experience in South Africa, where the Union Government, in deference to the wishes of His Majesty's Government and in the face of great difficulties, passed legislation which made a great improvement formally in the position of Indians, but never at any time were willing to relax the restrictions which in fact prevented fresh Indian immigration.

5. I am to add that, although these proposals are not at a stage at which they could be profitably discussed in detail, Mr. Chamberlain may think it advisable to discuss the position in India, as regards this question generally and its prospects after the War, with Sir R. Borden during his present visit to this country.

I am, &amp;c.,

HENRY LAMBERT,

for the Under-Secretary of State.

Enclosure in No. 112.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY.

(Draft.)

SIR,

I AM directed by Mr. Secretary Bonar Law to inform you that he has had under his consideration your letter of the 8th of May, regarding the position of British Indians in British Columbia, addressed to the Marquess of Crewe.

The position of Indians in the self-governing Dominions and Colonies is, as you are aware, a matter which receives the constant attention of His Majesty's Government, but the time, as is indeed recognized in your letter, is not suitable for taking any active steps to deal with the question, and the particular step suggested in the last sentence of your letter is not, in Mr. Bonar Law's opinion, practicable. While, therefore, the question will continue to occupy his attention, he regrets that he cannot accept your suggestion.

I am, &amp;c.,

\* No. 53.

† L.F.

‡ No. 130 in Dominions No. 44.



37594

No. 113.

CANADA.

INDIA OFFICE to COLONIAL OFFICE.

(Received 16th August, 1915.)

SIR, India Office, Whitehall, London, S.W., 14th August, 1915.  
 IN reply to Mr. Lambert's letter No. 32078, dated 23rd July, 1915,\* I am directed to state that the Secretary of State for India concurs in the tenour of the reply which Mr. Secretary Bonar Law proposes to address to the Anti-Slavery and Aborigines Protection Society in reply to their letter of 8th May,† regarding the disabilities of British Indians in Canada, but ventures to suggest, for Mr. Secretary Bonar Law's consideration, a slight modification of the wording.

I have, &amp;c.,

T. W. HOLDERNESS

37594

No. 114.

CANADA.

COLONIAL OFFICE to THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY.

[Copy to India Office, 21st August, 1915. L.F.]

SIR, Downing Street, 19th August, 1915.  
 I AM directed by Mr. Secretary Bonar Law to inform you that he has had under his consideration your letter of the 8th of May,† regarding the position of British Indians in British Columbia, addressed to the Marquess of Crewe.

The position of Indians in the self-governing Dominions and Colonies is, as you are aware, a matter which receives the constant and sympathetic attention of His Majesty's Government, but the time, as is indeed recognized in your letter, is not suitable for taking any active steps to deal with the question, even if the particular step suggested in the last sentence of your letter were one which the Governments of the Dominions were prepared to accept.

I am, &amp;c.,

HENRY LAMBERT,

for the Under-Secretary of State.

GENERAL.

23932

No. 115.

INDIA OFFICE to COLONIAL OFFICE.

(Received 2nd July, 1914.)

[Answered by L.F. transmitting copy of No. 116.]

(Confidential.)

SIR, India Office, Whitehall, London, S.W., 30th June, 1914.  
 WITH reference to your Confidential letter of the 17th instant, No. 21303,‡ I am directed by the Marquess of Crewe to transmit, for the information of Mr. Secretary Harcourt, a copy of confidential papers received from the Government of India regarding the movements of Gurdit Singh and the activities of certain steamship brokers in India.

His Lordship has communicated to the Government of India the information with which Mr. Harcourt has been so good as to furnish him up to the present, and he will be glad to receive any further reports that may be received from Hong Kong.

A similar letter is being sent to the Foreign Office.

I have, &amp;c.,

T. W. HOLDERNESS.

\* No. 112.

† No. 109.

‡ Not printed.

Enclosure in No. 115.

(No. 289 of 1914.)

Government of India, Home Department (Political),

Simla, the 4th June, 1914.

SIR,

I AM directed to forward, for the information of the Secretary of State for India, copies of the Home Department letters, Nos. 287 and 288, dated the 4th June, 1914, to the Governments of Bengal and Madras, relating to the movements of one Gurdit Singh, and the activities of certain steamship brokers in Calcutta. If any information on the subject from Hong Kong and Shanghai is in the possession of the India Office, the Government of India would be greatly obliged if, with the permission of the Secretary of State, it might be communicated to them.

I have, &amp;c.,

H. WHEELER.

Secretary to the Government of India.

To Sir T. W. Holderness, K.C.S.I.,  
 His Majesty's Under-Secretary of State  
 for India.

THE HONOURABLE MR. H. WHEELER, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, to THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

(No. 287.)

Home Department (Political),

Simla, the 4th June, 1914.

SIR,

IT has been brought to the notice of the Government of India that the Calcutta brokers employed by a Japanese steamship company known as the Nippon Yusen Kaisha (said to be up-country men of low caste) are adopting various objectionable methods to secure Indian passengers for their steamers. They are said to have disseminated disparaging reports against British shipping companies whose vessels are plying on the coast of India, both with a view to damaging the companies and to reflecting discredit on the Indian Government. It is further reported that for some time past these brokers have been engaged in impressing upon the minds of Mohammedan passengers the great service rendered by the Japanese to the inhabitants of India in providing cheap travelling facilities and the alleged exorbitancy of the fares charged by the British companies, who have hitherto monopolized the trade. The Cawnpore Mosque affair has provided material to work upon, and stories are believed to have been circulated among prospective passengers of the desecration of Mohammedan mosques by the British and the like.

2. The Government of India have also received information to the effect that one Gurdit Singh, who has established himself at Hong Kong, has started a passenger concern by the name of the Siri Guru Nanak Steamer Company, and has hired for that purpose the Japanese steamer "Komogata Maru," which has recently reached Vancouver with 400 Indians on board. His Excellency in Council will have seen from Reuter's telegrams the subsequent developments which have occurred there. It is also believed that Gurdit Singh intends to run a vessel direct from Calcutta to Vancouver in July next. A litho-typed notice of the Company states that information required by intending passengers can be had from:-

The Director,

Siri Guru Nanak Steamer Company,

Gurdwara Harbra (Howrah?),

Calcutta.

3. I am directed to inquire whether these matters have come to the notice of His Excellency the Governor in Council, and that, if there is no objection, the Government of India may be favoured at the earliest possible date with any information which the Government of Bengal may possess on the subject. The points which it is desired to elucidate in particular are:-

- (1) The nature of the activities in this country of Gurdit Singh or his agents;
- (2) Their connexion with the Nippon Yusen Kaisha;



- (3) The extent to which the latter are associating themselves with efforts to discredit British rule, whether with the motive of damaging trade rivals or any other.

I have, &c.,

H. WHEELER,

Secretary to the Government of India.

THE HONOURABLE MR. H. WHEELER, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

(No. 288.)

SIR, Home Department (Political). Simla, the 4th June, 1914.

IN forwarding herewith a copy of the Home Department letter, No. 287, dated the 4th June, 1914 (without enclosure), to the address of the Government of Bengal, I am directed to say that it has been suggested that these mischievous stories have also been circulated along the Coromandel Coast and elsewhere. I am to request that, with the permission of His Excellency the Governor in Council, the Government of India may be favoured at an early date with any information on the subject of which the Government of Madras may be in possession.

I have, &c.,

H. WHEELER,

Secretary to the Government of India.

23932

No. 116.

THE SECRETARY OF STATE TO THE GOVERNOR OF HONG KONG.

[Copy to India Office, 10th July, 1914. L.F.]

(Confidential.)

SIR, Downing Street, 8th July, 1914.

WITH reference to your Confidential despatch of the 8th April,\* I have the honour to transmit to you, for your consideration, the accompanying copies of confidential papers† which have been received by the Secretary of State for India from the Government of India, regarding the movements of Gurdit Singh and the activities of steamship brokers in India.

2. I shall be glad to receive any information which you may obtain from time to time as to—

(a) Attempt to divert Indian passenger traffic from British to Japanese or other foreign vessels.

(b) Attempts to secure direct steamship communication with Canada, or the other self-governing Dominions.

3. To save time, it will be convenient if you will be so good as to send copies of your reports on these questions direct to the Governor-General of India.

I have, &c.,

L. HARCOURT.

\* 15846: not printed.

† Enclosures in No. 115.

CO 886/7/6



*Printed for the use of the Imperial Conference Secretariat.*

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Dominions

No. 59.

CONFIDENTIAL.

## FURTHER CORRESPONDENCE

[1915—1916]

RELATING TO THE

# IMPERIAL CONFERENCE.

*(In continuation of Dominions No. 51; continued by Dominions No. 61.)*



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#### RESOLUTION I: CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			1915		
				(a) United States Peace Commission.	
1	To the Governors-General and Governors	Canada 287, Australia 198, New Zealand 158, Union of South Africa 224, Newfoundland 155	March 31	States that His Majesty's Government propose to appoint Lord Bryce as the member chosen from the United Kingdom to serve on the International Commission under Article II. of the Peace Commission Treaty with the United States of America; and requests that Ministers will submit the name of the person they wish to represent their Government.	1
2	To Foreign Office ...	Confidential	April 14	Asks to be informed, in due course, whom it is proposed to appoint as the "third country" British representative and as the fifth member.	1
3	Foreign Office ...	—	April 30	States that it is not proposed to discuss the question of the appointment of two non-national members of the Anglo-American Peace Commission until that of the umpire has been settled; proposes to request His Majesty's Ambassador at Washington to suggest to the American Government the name of Baron Sonnino, the Italian Minister for Foreign Affairs.	2
4	To Foreign Office ...	—	May 1	Concurs in the proposal to request His Majesty's Ambassador at Washington to suggest to the American Government the name of Baron Sonnino as umpire on the Anglo-American Peace Commission.	2
5	The Governor-General	Canada 317	May 5 (Rec. May 18.)	Transmits approved Minute of Council recommending Sir Charles Fitzpatrick, the Chief Justice, to represent Canada on the International Peace Commission.	2
6	To Foreign Office ...	—	May 26	Transmits copy of a despatch to the Dominions, and of No. 5, and requests that the necessary communication may be made to the American Government with regard to the appointment of Sir Charles Fitzpatrick to represent Canada on the International Peace Commission.	3
7	The Governor-General	Australia 122	May 21 (Rec. July 9.)	Reports desire of his Government that the High Commissioner for the time being should represent Australia under Article III. of the treaty.	3



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1915</b>					
8	The Governor-General	Union of South Africa 733	June 24 (Rec. July 16.)	Transmits minute from Ministers nominating the High Commissioner to represent the Union under Article III. of the treaty.	4
9	The Governor ...	New Zealand 170	August 31 (Rec. Oct. 8.)	Reports that his Government submit the name of the Chief Justice as the representative of the Dominion under Article III. of the treaty.	4
10	Foreign Office ...	—	November 26	Encloses copy of a despatch from His Majesty's Ambassador at Washington reporting the suggestion of the United States Government that the time for the organization of the International Commission should be extended to 1st January, 1916; asks whether Newfoundland proposes to appoint a representative.	5
11	To the Governor ...	Newfoundland 629	December 3	Asks whether Ministers propose to nominate a representative under Article III. of the Peace Commission Treaty with the United States of America.	6
12	Imperial Conference Secretariat	Newfoundland	—	Note as to the appointment of Sir W. Horwood as representative of Newfoundland.	6
13	Foreign Office ...	—	December 14	Transmits copy of a despatch from His Majesty's Ambassador at Washington enclosing a note to the United States Government accepting the proposal for the extension to 1st January, 1916, of the period for the completion of the International Commission.	7
<b>(b) Renewal of certain Arbitration Agreements.</b>					
14	To the Governors-General and Governors	Canada 242, Australia 158, New Zealand 127, Union of South Africa 182, Newfoundland 118	March 18	Transmits copies of the Arbitration Treaty with Switzerland.	8
<b>(c) General.</b>					
15	Foreign Office ...	—	December 28	Forwards copy of correspondence relative to a proposal by His Majesty's Minister at Monte Video that in future the terms of certain articles in commercial treaties between the United Kingdom and South American States, which grant to those States the power of according favourable treatment to conterminous States without extending the same privileges to this country, should be made reciprocal, and suggests that consideration of the principle involved should be deferred to the end of the War.	8
<b>1916</b>					
16	To Foreign Office ...	—	January 13	Concurs in the view that consideration of the proposal in No. 15 should be deferred to the end of the War.	9

## 2. RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1915</b>					
17	The Governor-General	Union of South Africa 48	January 20 (Rec. Feb. 13.)	Transmits copy of a minute from Ministers stating that if the Bill becomes law in the United Kingdom it will be necessary, in order to secure reciprocity, to repeal the existing Provincial legislation and substitute an Act of Parliament of the Union therefor; Ministers are prepared to do so when opportunity offers.	10
18	The Governor ...	Victoria 8	February 24 (Rec. April 5.)	States that, if the Imperial Government passes a Maintenance Orders (Facilities for Enforcement) Bill on the basis of the draft submitted, the Victorian Government will introduce similar legislation.	10
19	The Governor-General	Australia 48	February 24 (Rec. April 5.)	States that the Commonwealth Government will be prepared, as soon as the Maintenance Orders (Facilities for Enforcement) Bill has been passed by the Imperial Government, to enact reciprocal provisions in its territories.	11
20	The Governor ...	Queensland 11	April 13 (Rec. June 1.)	Furnishes text of a memorandum by the Attorney-General concurring in the principle of the proposed Maintenance Orders (Facilities for Enforcement) Bill, and suggesting reciprocal legislation.	11
21	Ditto ...	South Australia 22	April 19 (Rec. June 1.)	States that Ministers entirely approve of the objects of the draft Maintenance Orders (Facilities for Enforcement) Bill, and will be prepared to secure the enactment of reciprocal provisions; and transmits copy of a report thereon by the Parliamentary Draftsman.	12
22	Ditto ...	Western Australia 18	May 3 (Rec. June 15.)	Reports decision of Ministers to adopt legislation in the interests of deserted wives on the lines suggested.	13
23	Ditto ...	New South Wales 61	June 9 (Rec. July 14.)	States that Ministers are prepared to propose provisions similar to those in the suggested Imperial Maintenance Orders (Facilities for Enforcement) Bill.	13
24	Ditto ...	New Zealand 106	June 11 (Rec. July 19.)	Reports that Ministers concur in the principle of the Imperial Bill and will be prepared to introduce reciprocal legislation.	14
25	Ditto ...	Tasmania Telegram	(Rec. Sept. 2.)	Reports that Ministers will be prepared to secure the enactment of reciprocal provisions in Tasmania.	14
26	Ditto ...	Tasmania 41	September 6 (Rec. Oct. 13.)	Reports that Ministers will take steps, in the event of legislation being passed by the Imperial Parliament, to secure the enactment of reciprocal legislation in Tasmania.	14



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1915</b>					
27	The Governor-General	Canada 691	November 25 (Rec. Dec. 7.)	Asks for copies of the draft Imperial Bill, as it has been decided that the matter should be considered by the various Provinces, in whose jurisdiction the proposed legislation would appear to be.	15
<b>1916</b>					
28	The Governor ...	Newfoundland 265	Dec. 21, 1915 (Rec. Jan. 6, 1916.)	Transmits copy of a letter from the Colonial Secretary concurring in terms of the draft Bill and undertaking to secure the enactment of reciprocal provisions in Newfoundland.	15

## 3.

## RESOLUTION IX.: COURT OF APPEAL.

<b>1916</b>					
29	To the Prime Minister, The Lord Chancellor, and the Law Officers	—	June 13	Transmits copy of a memorandum by the Prime Minister of the Commonwealth on the necessity of an Imperial Supreme Court of Appeal for all appellants throughout the Empire; the Secretary of State feels that it is impossible to take any effective action at present.	17
30	To Mr. M. Shepherd (Private Secretary to Mr. Hughes)	—	June 13	Acknowledges receipt of Mr. Hughes's memorandum with reference to an Imperial Court of Appeal, and states that a copy is being sent to the Prime Minister, the Lord Chancellor, the Law Officers of the Crown, and the Privy Council Office.	18
31	To Privy Council Office	—	June 14	Transmits copy of the enclosure in No. 29.	19

## 4.

## RESOLUTION X.: NATURALIZATION.

<b>1916</b>					
32	To Home Office ...	Confidential	July 19	Transmits extract from a despatch from the Governor of New Zealand relative to the policy to be pursued in regard to naturalization after the War, and asks whether any amendment of the law to deal with the case of persons who adopt British nationality and at the same time retain their allegiance to a foreign State is contemplated.	20
33	Home Office ...	—	September 28	Observes that Mr. Samuel would not be disposed to promote or suggest any legislative change in the Act of 1914 and the adopting Dominions Acts until the whole question has been thoroughly considered; suggests certain administrative alterations which might be made with a view to meeting War conditions.	20

## 5.

## RESOLUTION XIV.: CHEAPER CABLE RATES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1915</b>					
<b>(1.) Australian Terminal Rates.</b>					
34	To the Governors-General	Canada, Australia Telegram	January 5	Expresses the hope of His Majesty's Government that the Commonwealth Government will be able to accept the suggested reduction of the terminal rate from 5d. to 2d. so that the ordinary rate charged to the public may be reduced from 3s. to 2s. 8d. per word in the cases of Australia and New Zealand from 1st April next.	22
35	To the Governor ...	New Zealand Telegram	January 5	Ditto.	22
36	The Governor-General	Canada Telegram	(Rec. Jan. 22.)	States that the Postmaster-General heartily agrees with the action taken, and trusts that the Australian Government will accept the proposed reduction.	22
37	To the Governor-General	Australia Telegram	January 25	Communicates No. 36.	23
38	The Governor-General	Australia Telegram	(Rec. Mar. 16.)	Reports that, for the reasons given, his Government is unable to agree to the proposed reduction in the Australian terminal rates.	23
39	To the Governor-General and Governor	Canada, 256, New Zealand 137	March 19	Transmits a copy of No. 38 and of a notice issued by the Pacific Cable Board as to reductions of telegraphic rates to and from New Zealand, Fiji, and Norfolk Island.	23
40	To the Governor-General	Australia 172	March 19	Transmits copy of a notice issued by the Pacific Cable Board relative to the reduction of rates.	24
41	The Governor ...	New Zealand 43	March 5 (Rec. April 19.)	Forwards extract from minute from Postmaster-General expressing the hope that the Commonwealth Government will concede the desired reduction of the terminal rate.	24
42	The Governor-General	Australia 62	March 17 (Rec. April 26.)	Confirms and supplements No. 38, giving reasons why Ministers cannot agree to reduction of terminal rates.	25
43	To the Pacific Cable Board	Australia	May 6	Transmits, for observations, copies of Nos. 41 and 42.	26
<b>(2.) Cable Rates between Canada and Newfoundland.</b>					
44	To the Governor ...	Newfoundland 165	April 9	Suggests that it would be advisable, if possible, to secure a reduced rate for British and Colonial Government telegrams between Newfoundland and Canada; encloses correspondence respecting the application of the Western Union Telegraph and Cable Company for facilities to divert one of their cables from Canso to Bay Roberts.	26
45	To the Governor-General	Canada 309	April 9	Encloses a copy of No. 44, with enclosures.	27



Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page.
<b>1915</b>					
46	The Governor-General	Canada 312	May 5 (Rec. May 18.)	Transmits copy of a letter from the Deputy Minister of Public Works respecting rates for Government telegrams between Newfoundland and Canada, and the proposed shifting of cable landing place from Canso to Bay Roberts.	28
47	The Governor	Newfoundland 182	August 14 (Rec. Sept. 1.)	Transmits, with reference to No. 44, copy of a letter from the Colonial Secretary reporting that it seems impossible to obtain any reduction in cable rates from the connecting Companies, and copy of correspondence with the Western Union Telegraph Company relative to the diversion of the Dover Bay cable to Bay Roberts.	29
<b>1916</b>					
48	To the Governor-General	Canada 107	February 2	Transmits copy of No. 47 and requests him to inform Ministers that the Western Union Company have agreed to reduce the rate for Government telegrams between St. John's, Newfoundland, and Halifax, Nova Scotia, from eighty-five cents for ten words to forty-five cents for ten words.	30
49	To the Governor	Newfoundland 65	February 2	Requests him to inform Ministers that the Western Union Company have agreed to reduce the rate for Government telegrams between St. John's, Newfoundland, and Halifax, Nova Scotia, from eighty-five cents for ten words to forty-five cents for ten words.	31

## 6.

## RESOLUTION XVIII.: IMPERIAL POSTAL ORDER SCHEME.

<b>1915</b>					
50	To the Governor-General	Australia Telegram	December 23	Reports urgent request from the Assistant Director of the Army Postal Service, Australian and New Zealand Army Corps, for arrangements for the payment of British postal orders in Australia, and inquires whether Ministers wish to reconsider their previous decision or at least to adopt a modified arrangement such as that in operation in Canada.	32
<b>1916</b>					
51	The Governor-General	Australia Telegram	(Rec. Jan. 5.)	States that approval has already been given for the cashing, without charge, of British postal orders purchased by soldiers in the United Kingdom, Egypt, Malta, and Gibraltar, presented for payment in the Commonwealth, but that it is not proposed further to extend the system.	32

<b>1916</b>					
52	The Governor-General	Australia 448	Dec. 23, 1915 (Rec. Jan. 31, 1916.)	Transmits copy of a despatch from the Prime Minister stating that facilities have been given for the cashing of British postal orders, but that it is not proposed further to extend the system, and requesting that the circumstances which render it advisable to encourage the sale of British postal orders to Australian soldiers may be stated.	33
53	General Post Office	—	February 26	Inquires whether the Australian Post Office will allow to the payees the value of postage stamps affixed to orders sent by soldiers from the United Kingdom, Malta, and Gibraltar, and states circumstances which rendered it advisable to encourage the sale of British postal orders to Australian soldiers.	33
54	To the Governor-General	Australia 195	March 2	Transmits copy of No. 53.	34
55	The Governor-General	Australia 161 (Extract)	May 12 (Rec. June 27)	Reports that approval has been given for postage stamps (up to 5d.) affixed to British postal orders purchased by soldiers in the United Kingdom, Malta, and Gibraltar, to be accepted for payment, and also British stamps (but not Egyptian) affixed to orders purchased by soldiers in Egypt.	34

## 7.

## RESOLUTION XIX.: COMMERCIAL TREATIES.

<b>1915</b>					
<b>Costa Rica.</b>					
56	To the Governor-General	Australia 178	March 19	Transmits copies of despatches from His Majesty's Minister at Panama regarding the termination, with respect to Australia, Papua, and Norfolk Island, of the Treaty of Commerce of 1849 between the United Kingdom and Costa Rica; and explains that the protocol of 18th August, 1913, between the United Kingdom and Costa Rica, was not ratified until 25th July, 1914.	36
<b>Japan.</b>					
57	Ditto	Australia Confidential 2	March 19	Transmits copy of a despatch from the Japanese Embassy urging the importance of the adhesion of Australia to the Anglo-Japanese Treaty of Commerce and Navigation, and states conditions under which the adhesion of Canada to the treaty was notified.	38
<b>1916</b>					
58	The Governor-General	Australia Telegram Confidential	(Rec. Feb. 12.)	Reports that the Prime Minister will consult His Majesty's Government on the question of the adhesion of Australia during his approaching visit.	39



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
59	Imperial Conference Secretariat	—	1916 —	Note of subsequent course of negotiations as to the adhesion of Australia.	39
<b>Portugal.</b>					
60	The Governor ...	Newfoundland 5	1915 January 11 (Rec. Jan. 25.)	States that Ministers desire to express their gratitude for the concessions obtained by the Anglo-Portuguese Treaty, and to request that its provisions should be extended to Newfoundland.	41
61	To Foreign Office ...	—	February 4	Transmits copy of No. 60.	41
62	Foreign Office ...	—	February 26	Transmits copy of a despatch to His Majesty's Ambassador at Lisbon directing him to notify the accession of Newfoundland to the Anglo-Portuguese Commercial Treaty.	41
63	The Governor ...	New Zealand 31	February 18 (Rec. Mar. 31.)	Reports decision of the New Zealand Government not to adhere to the Anglo-Portuguese Commercial Treaty.	42
64	Foreign Office ...	—	1916 June 7	Transmits copy of a despatch from His Majesty's Ambassador at Lisbon reporting the notification to the Portuguese Government of the accession of Newfoundland to the Anglo-Portuguese Treaty of Commerce.	42
65	To the Governors-General and Governors	Canada 638, Commonwealth of Australia 564, New Zealand 454, Union of South Africa 684, Newfoundland 394	June 21	Transmits copy of a despatch from His Majesty's Ambassador at Lisbon reporting exchange of ratifications of the Anglo-Portuguese Commercial Treaty of 1914, [to Newfoundland] and copy of a despatch reporting the notification to the Portuguese Government of the accession of Newfoundland to the treaty.	43
66	The Governor ...	Newfoundland 150	August 9 (Rec. Aug. 21.)	Acknowledges receipt of No. 65, and transmits copy of a letter from the Secretary to the Newfoundland Board of Trade intimating that there has been no change in the Portuguese tariff on dry fish imported from Newfoundland.	44
67	To the Governors-General and Governors	Canada 1015, Commonwealth of Australia 881, New Zealand 710, Union of South Africa 1019, Newfoundland 626	September 7	Transmits copies of an Act to amend the Anglo-Portuguese Commercial Treaty Act, 1914.	45
68	To Foreign Office ...	—	September 9	Transmits copy of No. 66.	46
69	Foreign Office ...	—	September 15	Acknowledges receipt of No. 68; points out that the treaty referred to does not come into force until 23rd September, from which date Newfoundland fish will receive most-favoured-nation treatment.	46

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
70	To Governor ...	Newfoundland 674	1916 September 27	Acknowledges receipt of No. 66, and states that the treaty did not come into force until 23rd September, but that Newfoundland fish will receive from that date most-favoured-nation treatment.	46
71	The Governor-General	Canada 734	December 13 (Rec. Dec. 27.)	Encloses an approved minute of the Privy Council notifying adhesion of Canada to the Anglo-Portuguese Commercial Treaty.	47
<b>Russia.</b>					
72	Foreign Office ...	—	1915 April 12	Considers it advantageous to utilize the present political conditions to resume negotiations with the Russian Government for the revision of the Anglo-Russian Commercial Treaty of 1859, and inquires whether the terms of the draft protocol enclosed in Foreign Office letter of 15th June, 1914, are concurred in.	47
73	To Foreign Office ...	—	May 20	Submits observations on the proposal for the resumption of negotiations with the Russian Government for the revision of the Anglo-Russian Commercial Treaty of 1859.	48
74	Foreign Office ...	—	July 8	Expresses opinion that the best solution will be to adopt the proposal of the Colonial Office to insert a formal stipulation that British vessels registered in a Dominion should not be entitled to the benefits of the treaty if the latter ceases to apply to the Dominion; encloses draft of a protocol and suggests that in communicating it to the Dominions no reference should be made to the difference of opinion which has arisen.	49
75	To Foreign Office ...	—	August 2	Transmits draft despatch to the Governments of the Self-governing Dominions; explains that it has been considered essential to explain which of the rights existing under the present treaty it seems necessary to give up if the right of withdrawal from that treaty is conceded by Russia.	51
76	Foreign Office ...	—	August 6	Concurs in the terms of the draft despatch enclosed in No. 75.	51
77	To the Governors-General and Governors	Canada, Commonwealth of Australia, New Zealand Confidential, Union of South Africa Confidential 2, Newfoundland Confidential	August 12	Inform them that His Majesty's Government consider it desirable to renew the negotiations for securing liberty to the Self-governing Dominions to withdraw from the Anglo-Russian Treaty of 1859; observes that His Majesty's Government have been unable to accept certain principles involved in the Russian counter-proposals, and submits for consideration of Ministers a revised draft protocol.	52



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1915</b>					
78	The Governor-General	Union of South Africa Confidential 2	September 16 (Rec. Oct. 8.)	Encloses minute from Ministers agreeing to the terms of the draft protocol to be laid before the Russian Government.	53
79	The Governor ...	Newfoundland Confidential	September 29 (Rec. Oct. 20.)	States that Ministers concur in the terms of the draft protocol which it is proposed to place before the Russian Government.	53
80	The Governor-General	Canada Confidential	November 8 (Rec. Nov. 20.)	Transmits copy of a minute of the Privy Council concurring in the draft protocol enclosed in No. 77.	54
<b>1916</b>					
81	The Governor ...	New Zealand Confidential	Dec. 22, 1915 (Rec. Feb. 1, 1916.)	States that Ministers concur in the terms of the draft protocol enclosed in No. 77.	55
82	The Governor-General	Australia Telegram	(Rec. July 12)	States that no alteration is desired in the terms of the draft protocol enclosed in No. 77, but requests that notice of withdrawal in respect of Australia and Papua may be given as soon as the protocol is signed and brought into effect.	55
83	To Foreign Office	—	July 17	Transmits copy of No. 82, and asks to see a copy of the draft of the note to the Russian Government.	55
84	Foreign Office	—	July 25	Proposes to suspend the submission of the proposed protocol to the Russian Government until after the War, when it can be more clearly seen what policy will be pursued by the British Empire in regard to commercial matters generally.	56
85	To the Governors-General and Governors	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Confidential	August 8	Observes that all the Governments of the Self-governing Dominions have expressed concurrence in the draft of the proposed protocol amending the Anglo-Russian Treaty of 1859, but Foreign Office considers that it would be preferable not to submit the draft to the Russian Government until after the War and until it can be seen more clearly what policy will be pursued by the British Empire in regard to commercial matters generally.	56
86	To Foreign Office	—	August 10	Sees no objection to the course proposed in No. 84, and transmits copies of No. 85.	57
87	The Governor-General	Union of South Africa Confidential 2	September 23 (Rec. Oct. 16.)	Transmits minute from Ministers agreeing to the proposal to postpone the submission to the Russian Government of the draft of the proposed protocol amending the Anglo-Russian Treaty of 1859.	57
88	The Governor ...	Newfoundland Confidential	October 3 (Rec. Oct. 23.)	Reports that Ministers concur in the proposal not to submit the draft of the proposed protocol amending the Anglo-Russian Treaty of 1859 to the Russian Government until the end of the War.	57

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1916</b>					
89	The Governor ...	New Zealand Confidential	October 13 (Rec. Dec. 7.)	Reports that his Government have no objection to the proposal in No. 85.	58
90	The Governor-General	Australia Confidential	October 25 (Rec. Dec. 11.)	Reports concurrence of his Government in proposal to suspend until after the War action in the matter of the submission to the Russian Government of the protocol amending the treaty of 1859.	58
<b>Switzerland.</b>					
<b>1915</b>					
91	To the Governors-General and Governors	Canada 695, Australia 521, New Zealand 400, Union of South Africa 559, Newfoundland 379	July 23	Notifies that the ratifications of the additional convention of 30th March, 1914, to the Treaty of Friendship, Commerce, and Reciprocal Establishment between the United Kingdom and Switzerland, were duly exchanged on the 12th of July, 1915.	58
<b>Uruguay.</b>					
92	To the Governors-General and Governors	Canada 74, Australia 47, New Zealand 39, Union of South Africa 52, Newfoundland 43	January 28	Transmits copy of a note from the Uruguayan Minister reporting the intention of his Government to denounce the Commercial Treaty concluded with Uruguay in 1855, and to proceed at once to the conclusion of a new treaty.	59
<b>1916</b>					
93	Ditto ...	Canada 1236, Australia 1067, New Zealand 874, Union of South Africa 1262, Newfoundland 771	November 2	Informing Ministers that the Convention of 15th July, 1899, which renews the Treaty with Uruguay of 18th November, 1855, is regarded by His Majesty's Government as having lapsed at the same time as the treaty.	59
<b>General.</b>					
94	Foreign Office	—	July 29	Transmits copy of a letter from the British Vice-Consul at Omaha inquiring, in connexion with the disposal of the estate of a former Canadian resident in California and leaving real estate in Nebraska, whether the Convention of March, 1899, between Great Britain and the United States of America applies to Canada; together with the draft of the reply informing the Vice-Consul that it does so apply.	60
95	To Foreign Office	—	August 17	Concurs in the draft of the proposed despatch to His Majesty's Ambassador at Washington.	61
<b>Inclusion of Coasting Trade in Commercial Treaties.</b>					
<b>1915</b>					
96	The Governor-General	Canada 760	Dec. 24, 1914 (Rec. Jan. 5, 1915.)	Transmits copy of an Order in Council notifying the admission to the coasting trade of Canada of certain Norwegian, Swedish, and Japanese ships.	62



## RESOLUTION XXI: MAIL COMMUNICATION.

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page
			<b>1915</b>		
97	To General Post Office	—	January 18	Suggests inquiry of the Governments of Australia and New Zealand as to the inclusion in any new contract for the conveyance of the Eastern and Australian mails of provisions for the safe transit of perishable produce, and as to special rates of freight and the contribution of a specific sum for such additional services.	63
98	General Post Office...	—	February 10	Transmits copy of a letter to the Treasury requesting covering authority for the extension of the contract with the Peninsular and Oriental Steam Navigation Company for the Eastern Mail Service until the 31st January, 1918.	64
99	To the Governor ...	New Zealand Confidential	March 5	Transmits copy of No. 98, and states that it has been agreed that the contract for the conveyance of the Eastern and Australian mails shall be prolonged to 31st January, 1918.	65
100	To Governor-General	Australia Confidential 4	March 5	Requests that Ministers may be informed that the contract for the conveyance of the Eastern and Australian mails has been prolonged to 31st January, 1918.	65
101	General Post Office...	—	April 1	Points out objections to inclusion in Post Office contracts of provisions relating to the storage of cargo or for regulating the freight for its conveyance.	65
102	To General Post Office	—	April 23	States that the suggestion that the Governments of the Commonwealth and New Zealand should be consulted as regards the inclusion in any new contract of provisions other than those dealing specifically with the carriage of mails will not be pressed.	69

## REORGANIZATION OF THE CONSULAR SERVICE.

			<b>1916</b>		
103	The Governor-General	Australia 292	August 3 (Rec. Sept. 14)	Reports that Ministers suggest that at the next meeting of the Imperial Conference the subject of the organization of the Consular and Intelligence Services, and the linking up of those services with the Dominions for the purposes of trade and defence, should be discussed.	70
104	To Board of Trade, Foreign Office, Admiralty, and War Office	—	November 9	Communicates purport of No. 103; encloses a memorandum on the subject, and requests that the despatch may be carefully borne in mind in considering any connected matter which may come up for consideration in the interval before the next Conference.	70

Serial No.	From or to whom.	Despatch No. &c.	Date.	Subject.	Page
			<b>1916</b>		
105	To Governors-General and Governors	Canada 1260, New Zealand 893, Union of South Africa 1288, Newfoundland 791	November 9	Communicates purport of No. 103.	73
106	To the Governor-General	Australia 1087	November 9	Requests him to inform Ministers that the Governments of the other Self-governing Dominions have been informed of the purport of No. 103.	73



## FURTHER CORRESPONDENCE

RELATING TO THE

# IMPERIAL CONFERENCE.

1.

### RESOLUTION I.: CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

That this Conference after hearing the Secretary of State for Foreign Affairs cordially welcomes the proposals of the Imperial Government, viz.: (a) that the Dominions shall be afforded the opportunity of consultation when framing the instructions to be given to British delegates at future meetings of the Hague Conference, and that Conventions affecting the Dominions provisionally assented to at that Conference shall be circulated among the Dominion Governments for their consideration before any such Convention is signed; (b) that a similar procedure where time and opportunity and the subject matter permit shall, as far as possible, be used when preparing instructions for the negotiations of other International Agreements affecting the Dominions.

(a) United States Peace Commission.

12089

No. 1.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 5, 7, 8 and 9.]

(Canada. No. 287.)

(Australia. No. 198.)

(New Zealand. No. 158.)

(Union of South Africa. No. 224.)

(Newfoundland. No. 155.)

[MY LORD,] [SIR,]

Downing Street, 31st March, 1915.

WITH reference to my despatch No. [1026,] [781,] [597,] [706,] [483,] of 24th December,\* I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that His Majesty's Government propose to appoint Lord Bryce as the member chosen from the United Kingdom to serve on the International Commission under Article II. of the Peace Commission Treaty with the United States of America.

2. His Majesty's Government would be glad if your Ministers would submit the name of the person whom they would wish to represent the [Dominion] [Commonwealth] [Union] [Newfoundland] Government under Article III. of the treaty.

I have, &c.,

L. HARCOURT.

16048

No. 2.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 3.]

(Confidential.)

SIR,

Downing Street, 14th April, 1915.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 3rd instant,† with reference to the selection of an umpire under the Anglo-American Peace Commission.

\* No. 14 in Dominions No. 51.

† 16048: not printed. This merely gave the names of various possible nominees.



2. Mr. Harcourt would be glad to know, in due course, whom it is proposed to appoint as the "third country" British representative and as the fifth member under Article II. of the treaty, before a selection is finally made, in case he may desire to make any observations on the proposed appointments from the point of view of the Self-governing Dominions.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

20215

No. 3.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3rd May, 1915.)

[Answered by No. 4.]

SIR, Foreign Office, 30th April, 1915.  
In reply to your letter of the 14th instant,\* I am directed by Secretary Sir Edward Grey to inform you that it is not proposed to discuss the question of the appointment of the two non-national members of the Anglo-American Peace Commission until that of the fifth member or umpire has been settled, and that, subject to any observations which Mr. Secretary Harcourt may have to offer, a telegram is about to be addressed to His Majesty's Ambassador at Washington requesting His Excellency to suggest to the American Government the name of Baron Sonnino, the Italian Minister for Foreign Affairs, as the most suitable candidate for this purpose. The names of the persons proposed for the non-national members of the Commission will also be communicated to you in due course.

I am, &c.,  
MAURICE DE BUNSEN.

20215

No. 4.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 1st May, 1915.  
In reply to your letter of 30th April,† I am directed by Mr. Secretary Harcourt to request you to inform Secretary Sir E. Grey that he concurs in the proposal to address a telegram to His Majesty's Ambassador at Washington requesting His Excellency to suggest to the American Government the name of Baron Sonnino, the Italian Minister for Foreign Affairs, as the most suitable candidate for appointment as fifth member or umpire on the Anglo-American Peace Commission.

I am, &c.,  
HENRY LAMBERT  
for the Under-Secretary of State.

22847

No. 5.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1915.)

(No. 317.)

SIR, Government House, Ottawa, 5th May, 1915.  
With reference to your despatch of the 31st March, No. 287,‡ on the subject of the International Commission under Article 3 of the Peace Commission Treaty

\* No. 2.

† No. 3.

‡ No. 1.

with the United States of America, I have the honour to transmit herewith copies of an approved minute of the Privy Council for Canada recommending the Right Honourable Sir Charles Fitzpatrick, G.C.M.G., Chief Justice of Canada, as the person to be appointed to represent the Government of Canada on this Commission.

I have, &c.,  
ARTHUR.

Enclosure in No. 5.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 29TH APRIL, 1915

(P.C. 910.)

THE Committee of the Privy Council have had before them a report, dated 27th April, 1915, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a despatch from the Right Honourable the Secretary of State for the Colonies dated 31st March, 1915.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to submit the name of the Right Honourable Sir Charles Fitzpatrick, G.C.M.G., Chief Justice of Canada, as the person whom Your Royal Highness's advisers would wish to represent the Government of Canada on the International Commission under Article 3 of the Peace Commission Treaty with the United States of America signed at Washington on the 15th September, 1914.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

22847

No. 6.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 26th May, 1915.  
With reference to your letter of 6th May\* and previous correspondence, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before Secretary Sir E. Grey, copy of a despatch† which has been addressed to the Self-governing Dominions on the subject of the appointment of representatives to serve on the International Commission under Article 2 of the Peace Commission Treaty with the United States of America, together with copy of a despatch‡ from the Governor-General of Canada nominating the Right Honourable Sir Charles Fitzpatrick, G.C.M.G.

2. Mr. Harcourt would be glad if Sir E. Grey would cause the necessary communication to be made to the United States Government with regard to this appointment.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

SECRETARIAT NOTE.—The United States Government was informed of the appointment by His Majesty's Ambassador at Washington on 24th June, 1915.

31473

No. 7.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th July, 1915.)

[Copy to Foreign Office, 23rd July, 1915.]

(No. 122.)

SIR, Commonwealth of Australia,  
Governor-General's Office, Melbourne, 21st May, 1915.  
With reference to your despatch No. 198, dated the 31st March last,† on the subject of the Peace Commission Treaty with the United States of America, I

\* 21107: not printed; furnishing names of possible members.

† No. 1.

‡ No. 5.



## RESOLUTION I. (a)—UNITED STATES PEACE COMMISSION.

have the honour, at the instance of my Prime Minister, to inform you that it is desired by the Commonwealth Government that the High Commissioner for the Commonwealth in London for the time being should represent Australia under Article III. of the treaty.

I have, &c.,  
R. M. FERGUSON,  
Governor-General.

SECRETARIAT NOTE.—The United States Government was informed accordingly by His Majesty's Ambassador at Washington on 11th August, 1915.

32819

No. 8.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th July, 1915.)

[Copy to Foreign Office, 24th July, 1915.]

(No. 733.)

SIR, Governor-General's Office, Pretoria, 24th June, 1915.  
I HAVE the honour to transmit to you herewith, with reference to Mr. Harcourt's despatch No. 224 of the 31st March,\* copy of a minute, No. 771, from Ministers, on the subject of the representation of the Union Government under Article III. of the Peace Commission Treaty with the United States of America.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 8.

(Minute No. 771.)

Prime Minister's Office, Pretoria, 22nd June, 1915.

MINISTERS have the honour to acknowledge the receipt of minute No. 48/599 of the 29th April, from His Excellency the Governor-General, on the subject of the representation of the United Kingdom and of the Union on the International Commission under the Peace Commission Treaty with the United States of America, and to state that they would wish Mr. W. P. Schreiner, the High Commissioner for the Union in London, to represent the Union Government under Article III. of the treaty.

J. C. SMUTS.

SECRETARIAT NOTE.—The United States Government was informed of this appointment by His Majesty's Ambassador at Washington on 26th August, 1915.

46489

No. 9.

## NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8th October, 1915.)

[Copy to Foreign Office, 16th October, 1915.]

(No. 170.)

SIR, Government House, Wellington, 31st August, 1915.  
WITH reference to Mr. Harcourt's despatch No. 158, of the 31st March last,\* I have the honour to inform you that my Government submit the name of the Chief

\* No. 1.

## RESOLUTION I. (a)—UNITED STATES PEACE COMMISSION.

Justice of New Zealand as the representative of this Dominion under Article III. of the Peace Commission Treaty with the United States of America.

I have, &c.,  
LIVERPOOL,  
Governor.

SECRETARIAT NOTE.—The United States Government was informed of this appointment by His Majesty's Ambassador at Washington on 20th October, 1915.

54783

No. 10.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 27th November, 1915.)

SIR, Foreign Office, 26th November, 1915.  
WITH reference to my letter of the 30th of April last,\* I am directed by Secretary Sir E. Grey to transmit to you herewith a copy of a despatch from His Majesty's Ambassador at Washington on the subject of the International Commission provided for in the Peace Commissions Treaty with the United States Government of 15th September, 1914.

Sir E. Grey would be glad to learn whether the Government of Newfoundland propose to nominate a representative.

I am, &c.,  
MAURICE DE BUNSEN.

Enclosure in No. 10.

(No. 681.)

SIR, British Embassy, Washington, 5th November, 1915.  
I HAVE the honour to transmit to you herewith copy of a note in which the Secretary of State suggests that, as it has not been found feasible to complete the International Commission provided for in the treaty of 15th September, 1914, within the time specified in the treaty which expired on 10th May, 1915, the time within which the organization of the Commission may be completed might be extended to 1st January, 1916.

In an unofficial letter Mr. Lansing reminds me that the United States has not yet named its non-national member. On our side the members from the United Kingdom, Canada, Australia, New Zealand, and South Africa have been appointed, and Mr. Maxim Kovaleski is the British non-national member, but I do not find any record of the nomination of a Commissioner for Newfoundland. As you are aware, the American Commissioner is Mr. George Gray, and the Umpire is Dr. Nansen.

If it is intended to nominate a representative for Newfoundland, I should be glad to learn his name in due course, and also to receive your instructions as to whether I should effect the proposed exchange of notes.

I have, &c.,  
For the Ambassador,  
COLVILLE BARCLAY.

The Right Honourable  
Sir Edward Grey, Bart., K.G., M.P.,  
&c., &c., &c.

\* No. 3.



Department of State,

Washington, 3rd November, 1915.

EXCELLENCY,

It not having been found feasible to complete the International Commission provided for in the treaty of 15th September, 1914, between the United States and Great Britain, looking to the advancement of the general cause of peace, within the time specified in the treaty which expired on 10th May, 1915, I have the honour to suggest, for the consideration of your Government, that the time within which the organization of the Commission may be completed may be extended, by an exchange of notes, from 10th May, 1915, to 1st January, 1916.

Your formal notification in writing, of the same date as this, that your Government received the suggestion favourably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

I have, &amp;c.,

ROBERT LANSING.

His Excellency

Sir Cecil Arthur Spring-Rice,  
Ambassador of Great Britain.

54783

No. 11.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Foreign Office, 6th December, 1915. L.F.]

(No. 629.)

SIR,

Downing Street, 3rd December, 1915.

WITH reference to my predecessor's despatch No. 155, of 31st March,\* I have the honour to request you to inform your Ministers that I should be glad to learn whether they propose to nominate a representative under Article III. of the Peace Commission Treaty with the United States.

I enclose, in this connexion, a copy of a despatch† from His Majesty's Ambassador at Washington on the subject. I may add that the representatives selected by the other Dominions are as follows:—By Canada, Right Honourable Sir C. Fitzpatrick, G.C.M.G., Chief Justice; by the Commonwealth of Australia, the High Commissioner for the Commonwealth in London for the time being; by the Union of South Africa, Mr. W. P. Schreiner, the High Commissioner for the Union; and by New Zealand, the Chief Justice of New Zealand.

I have, &amp;c.,

A. BONAR LAW.

No. 12.

NEWFOUNDLAND.

SECRETARIAT NOTE.

IN January, 1916, the Newfoundland Government raised the question whether Lord Bryce would be willing to accept nomination as the representative of Newfoundland, but, in view of various practical difficulties which arose, this suggestion was withdrawn, and the Honourable Sir W. Horwood, Chief Justice of Newfoundland, was nominated to act as the representative of the Colony under Article III. of the Peace Commission (17118/16). This appointment was communicated to the United States Government by His Majesty's Ambassador at Washington on 20th May, 1916.

\* No. 1.

† Enclosure in No. 10.

57756

No. 13.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 15th December, 1915.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Ambassador at Washington, No. 732, of 23rd November, on the subject of the Peace Commission Treaty with the United States (time limit for completion of Commission).

Foreign Office,

14th December, 1915.

Reference to previous correspondence: Letter from Foreign Office, 26th November.\*

Enclosure in No. 13.

(No. 732.)

SIR,

British Embassy, Washington, 23rd November, 1915.

WITH reference to my despatch No. 681, of 5th November, respecting the proposed extension of the time within which the organization of the Commission provided for in the treaty of 15th September, 1914, may be completed, I have the honour to enclose copy of the note which I have addressed to the United States Secretary of State accepting the proposal for the extension to 1st January, 1916.

Your authority to effect the exchange of notes was received to-day, but I have dated my note to Mr. Lansing 3rd November, in order to conform to the arrangement suggested in his communication.

I have, &amp;c.,

CECIL SPRING-RICE.

The Right Honourable

Sir Edward Grey, Bart., K.G.,  
&c., &c., &c.

SIR,

British Embassy, Washington, 3rd November, 1915.

I HAVE the honour to acknowledge the receipt of your note of this day's date, in which you state as follows:—

"It not having been found feasible to complete the International Commission provided for in the Treaty of 15th September, 1914, between the United States and Great Britain, looking to the advancement of the general cause of peace, within the time specified in the treaty which expired on 10th May, 1915, I have the honour to suggest, for the consideration of your Government, that the time within which the organization of the Commission may be completed be extended by an exchange of notes from 10th May, 1915, to 1st January, 1916.

"Your formal notification in writing, of the same date as this, that your Government receives the suggestion favourably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also."

I have the honour to inform you, in reply, that His Majesty's Government accepts this suggestion made by the United States Government, and that they regard the exchange of to-day's notes as sufficient to give effect to the extension.

I have, &amp;c.,

CECIL SPRING-RICE.

The Honourable

Robert Lansing,  
Secretary of State of the United States,  
&c., &c., &c.

\* No. 10.



(b) **Renewal of certain Arbitration Agreements.**

12944

No. 14.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 242.)  
(Australia. No. 158.)  
(New Zealand. No. 127.)  
(Union of South Africa. No. 182.)  
(Newfoundland. No. 118.)

[SIR,] [MY LORD,]

Downing Street, 18th March, 1915.

WITH reference to my despatch No. [1000,] [756,] [579,] [680,] [467,] of the 18th December,\* and to previous correspondence, I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of a Convention† between the United Kingdom and Switzerland providing for the settlement by arbitration of certain classes of questions which may arise between the two Governments, the ratifications of which were exchanged on the 3rd February.

I have, &c.,  
L. HARCOURT.

(c) **General.**

59807

No. 15.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 29th December, 1915.)

[Answered by No. 16.]

SIR,

Foreign Office, 28th December, 1915.

I AM directed by Secretary Sir E. Grey to transmit to you herewith copies of correspondence relative to a proposal by His Majesty's Minister at Monte Video that in future the terms of certain articles in commercial treaties between the United Kingdom and South American States, which grant to the latter special rights for granting favourable treatment to conterminous States without extending the same privileges to this country should be made reciprocal.

In bringing the matter to the notice of Mr. Secretary Bonar Law, Sir E. Grey suggests, for his consideration, that a decision with regard to the question of principle involved could with advantage be deferred to the end of the War, when he would be glad to be favoured with any observations which the Colonial Office might wish to offer.

I am, &c.,  
A. LAW.

Enclosure 1 in No. 15.

(No. 14 Treaty.)

SIR,

Monte Video, 26th October, 1915.

WITH reference to your despatch No. 18 Commercial, of the 25th of September, I venture to call attention to a point in the commercial treaty with Bolivia, which may, perhaps, have escaped notice. Article 14 of that treaty is not reciprocal; that is to say, that the privilege granted to Bolivia to make special agreements with regard to the citizens or goods of conterminous countries is not granted to the United Kingdom, presumably on the ground that the latter is a group of islands. But provision is made for the application of the treaty to our Dominions, some of which have frontiers with foreign countries.

\* No. 35 in Dominions No. 51.

† Treaty Series No. 3 of 1915 [Cd. 7814].

## RESOLUTION I. (c)—INTERNATIONAL AGREEMENTS: GENERAL.

Would it not be possible to make this stipulation reciprocal, for the express purpose of making the treaty suitable for all our Dominions which may wish to adhere to it? This purpose might be accomplished by an addition to Article 15.

I have, &amp;c.,

A. MITCHELL INNES.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.,

etc., etc., etc.,

Foreign Office, London.

Enclosure 2 in No. 15.

Board of Trade (Commercial Department), Gwydyr House,

SIR,

Whitehall, London, S.W., 20th December, 1915.

I AM directed by the Board of Trade to refer to your letter of the 29th November, transmitting copy of a despatch from His Majesty's Minister at Monte Video, regarding the articles in commercial treaties between the United Kingdom and certain Latin American countries (such as Article 14 of the treaty with Bolivia), which allow such countries to grant special facilities to conterminous countries, without being required in virtue of the most-favoured-nation clause of their treaties, to extend these facilities to other non-conterminous countries. It is understood that Mr. Mitchell Innes's suggestion is that such articles should be made reciprocal so that various British Dominions or Possessions would be enabled to grant similar facilities to countries conterminous with them without being required to extend those facilities to other non-conterminous States to which they are bound to accord most-favoured-nation treatment.

The Board are disposed to doubt whether it would be desirable to make articles of the kind in question reciprocal, or whether, if such a course were adopted, the adherence of Canada or other of the British Dominions or Colonies to the treaties would in fact be rendered more probable.

This aspect of the question is, however, one on which Sir E. Grey may wish to invite the observations of the Colonial Office.

I have, &amp;c.,

H. FOUNTAIN.

The Under-Secretary of State,  
Foreign Office, S.W.

59807

No. 16.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 13th January, 1916.

I AM directed by Mr. Secretary Bonar Law to acknowledge the receipt of your letter of the 28th ultimo,\* relative to a proposal by His Majesty's Minister at Monte Video that in future the terms of certain articles in commercial treaties between the United Kingdom and South American States should be made reciprocal.

2 Mr. Bonar Law concurs in Sir E. Grey's view that consideration of the question of principle involved should be deferred to the end of the War.

I am, &amp;c.,

HENRY LAMBERT,

for the Under-Secretary of State.

\* No. 15.



## RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

That, in order to secure justice and protection for wives and children who have been deserted by their legal guardians either in the United Kingdom or any of the Dominions, reciprocal legal provisions should be adopted in the constituent parts of the Empire in the interests of such destitute and deserted persons.

7228

No. 17.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th February, 1915.)

(No. 48.)

SIR, Governor-General's Office, Pretoria, 20th January, 1915.  
I HAVE the honour to transmit to you herewith, with reference to your despatch No. 669, of the 17th December,\* copy of a minute from Ministers on the subject of reciprocal legal provisions in the interests of deserted wives and children.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 17.

(Minute No. 60.)

Prime Minister's Office, Pretoria, 19th January, 1915.

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's Minute No. 3/1761, of the 8th January, 1915, transmitting for consideration despatch No. 669, of the 17th December, 1914, from the Right Honourable the Secretary of State for the Colonies, on the subject of contemplated legislation to provide reciprocal treatment of the interests of deserted wives and children in the constituent parts of the Empire, in accordance with the resolution passed by the Imperial Conference in 1911.

2. So far as the Union of South Africa is concerned, if the contemplated Bill becomes law in the United Kingdom it will be necessary, in order to secure reciprocity, to repeal the existing legislation of the provinces of the Union, and to substitute an Act of Parliament of the Union therefor. This Ministers are prepared to do when a suitable opportunity offers.

3. With regard to the contents of the contemplated Bill enclosed in the despatch referred to, Ministers have no comments to offer.

LOUIS BOTHA.

15832

No. 18.

VICTORIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5th April, 1915.)

(No. 8.)

SIR, State Government House, Melbourne, 24th February, 1915.  
I HAVE the honour to acknowledge the receipt of your despatch No. 109, of the 17th December last,\* respecting the proposed reciprocal legal provisions in the interests of deserted wives and children, and enclosing copies of a draft Bill "Maintenance Orders (Facilities for Enforcement)."

\* No. 47 in Dominions No. 51.

## RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

2. My Ministers inform me that reciprocity to a similar end to that designed by the Bill referred to already exists between certain of the Australian States.

3. If the Imperial Government passes a Bill on the basis of the draft submitted, my Government will introduce similar legislation to make the Imperial Act effective.

4. My Ministers have no suggestions to make in regard to the proposed Bill, which seems to be simple and quite workable from the point of view of this State.

I have, &amp;c.,

A. L. STANLEY.

15772

No. 19.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th April, 1915.)

(No. 43.)

SIR, Governor-General's Office, Melbourne, 24th February, 1915.  
REFERRING to your despatch No. 749, dated 17th December last,\* forwarding copy of a draft Bill to facilitate the enforcement in the United Kingdom of maintenance orders made in other parts of His Majesty's dominions and vice versa, I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government will be prepared to take the necessary steps to enact reciprocal provisions in its territories as soon as the Act has been passed by the Imperial Government.

I have, &amp;c.,

R. M. FERGUSON,  
Governor-General.

25169

No. 20.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st June, 1915.)

(No. 11.)

SIR, Government House, Brisbane, 13th April, 1915.  
I HAVE the honour to acknowledge the receipt of your despatch, No. 118, of 17th December,\* and to furnish you hereunder with a text of a memorandum from the State Attorney-General, received by me from the Premier, relative to the proposed Imperial Bill:—

I concur in the principle of this Bill, which is practically an extension of that already adopted in certain States of the Commonwealth pursuant to a resolution of the State Premiers' Conference of January, 1912: "That an Inter-State Destitute Persons Relief Act should be enacted as early as possible in each State." Pursuant to this resolution, the Queensland Parliament passed during last session "The Inter-State Destitute Persons Relief Act of 1914," section 5 of which establishes reciprocity with the other States who have passed similar legislation, by proclamation. One copy of this Act is enclosed herewith.

I think that in the event of legislation being passed by the Imperial Parliament on the lines of this draft Bill it would be an advantage to pass reciprocal legislation in this State.

2. I attach a copy of the Act alluded to.†

3. A copy of this despatch has been sent to the Governor-General.

I have, &amp;c.,

HAMILTON GOOLD-ADAMS,  
Governor.

\* No. 47 in Dominions No. 51.

† Act No. 9 of 1914: not reprinted.



25110

No. 21.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st June, 1915.)

(No. 22.)

SIR,

Government House, Adelaide, 19th April, 1915.

I HAVE the honour to acknowledge receipt of your despatch No. 119, of the 17th December last,\* on the subject of the proposed adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children.

2. Referring to paragraph 4 of your despatch under reply, my Ministers entirely approve of the objects of the draft Bill, and express the opinion that the scheme of the measure is well adapted for carrying those objects into effect. In the event of legislation being passed by the Imperial Parliament my Government will be prepared to take steps to secure the enactment of reciprocal provisions in this State.

3. I transmit herewith copy of a report on the Imperial draft Bill by the Parliamentary Draftsman of this State.

I have, &amp;c.,

H. L. GALWAY,

Governor.

(Copy sent to Governor-General.)

Enclosure in No. 21.

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) BILL, 1914 (IMPERIAL).

REPORT.

1. THIS Bill deals with maintenance orders only, that is to say, orders for the periodical payment of sums of money towards the maintenance of the wife or other dependents of the person against whom the order is made.

Its object is to enable the enforcement in the United Kingdom of maintenance orders made in other parts of the Empire which have passed reciprocal legislation, and to enable the enforcement in such parts of the Empire of maintenance orders made in the United Kingdom.

2. The Bill starts with a simple provision (clause 1) for the registration in a court in the United Kingdom of maintenance orders made in the ordinary course by courts of other parts of the Empire to which the Act extends. When so registered such orders are to be enforceable as if made by the court wherein they are registered.

Clause 2 provides for reciprocal action by the courts of such other parts of the Empire.

So far the Bill only adopts the usual provisions for reciprocal enforcement of judgments, cf. Commonwealth Service and Execution of Process Acts, 1901-1905, Part IV.

3. By clauses 3 and 4 a new scheme is proposed whereby, practically, the claimant's case is heard in one country and the defendant's case (if he wishes to oppose the order) is heard in another country. It is proposed that an application may be made to a court of summary jurisdiction for a maintenance order against a person proved to be resident in another part of the Empire to which the Act extends. The application is not served, and the order may be made *ex parte*, but it is only a "provisional order." Such order is to be sent, with the depositions and a statement of the grounds on which the making of the order might have been opposed if the defendant had appeared, to the Secretary of State, who is to transmit the provisional order and other documents to the proper Minister in the part of the Empire where the defendant has been proved to reside. Such Minister (if satisfied that

\*No. 47 in Dominions No. 51.

the defendant does so reside) is then to send the order and documents to a court of summary jurisdiction in his own country, and by the last-mentioned court the defendant is summoned to show cause why the order should not be confirmed. If confirmed the order is to be enforced as if wholly made by the confirming court.

The scheme appears to be both fair and practicable.

4. We have an Act in this State the object of which is similar to that for which the Bill under consideration is designed; but our Act only applies within the Commonwealth and only within such of the States as pass similar reciprocal legislation. The Act provides for

- (1) the service within one State of a summons for maintenance issued in another State;
- (2) power for justices in one State to make a maintenance order although the summons was served in another State, or not served at all, if evasion is proved;
- (3) the enforcement in one State of a maintenance order made in another State; and
- (4) an officer to see to such enforcement and periodically transmit amounts collected to a corresponding officer in the reciprocating State.

The Act has been adopted in Tasmania, Western Australia, Victoria, and Queensland.

5. An Act such as ours would probably be somewhat too drastic for application between all parts of the Empire; in the matter of fairness it can only be justified on the ground that Australia is one country and that it applies only to persons who have deserted their dependents. As between the States and the United Kingdom and other parts of the Empire the Bill now under consideration seems to me much more suitable than our own Act.

FRED. W. RICHARDS,

Parliamentary Draftsman.

12th February, 1915.

27454

No. 22.

WESTERN AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 15th June, 1915.)

(No. 18.)

SIR,

Government House, Perth, Western Australia, 3rd May, 1915.

WITH reference to your despatch No. 107, of the 17th December, 1914,\* relative to the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives, I have the honour to inform you that my Ministers have decided to introduce legislation on the lines suggested.

I have, &amp;c.,

HARRY BARRON,

Governor.

32309

No. 23.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 14th July, 1915.)

(No. 61.)

SIR,

State Government House, Sydney, 9th June, 1915.

WITH reference to your despatch No. 159, of 17th December last,\* regarding the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children, and transmitting a draft Bill dealing

\*No. 47 in Dominions No. 51.



with the matter, I have now the honour to inform you that Ministers are prepared to propose in Parliament provisions similar to those in the suggested Imperial Maintenance Orders (Facilities for Enforcement) Bill.

2 I have to add that Ministers consider the terms of the draft Bill to be, generally speaking, suitable, but the details will be further considered in connection with the preparation of the Bill to meet the needs of this State.

I have, &c.,

G. STRICKLAND,  
Governor.

33090

No. 24.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 19th July, 1915.)

(No. 106.)

SIR,

Wellington, 11th June, 1915.

WITH reference to your predecessor's despatch No. 574, of the 17th December last,\* with regard to the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children, my Ministers desire me to inform you that the Government of New Zealand concur in the principle of the Bill a copy of which accompanied the despatch under reply, and that they will be prepared to introduce reciprocal legislation in this Dominion.

I have, &c.,

LIVERPOOL,  
Governor.

40563

No. 25.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 10.35 a.m., 2nd September, 1915.)

TELEGRAM.

WITH reference to your despatch 17th December, No. 102,\* Maintenance Orders Bill, paragraph No. 4, my Ministers beg me to advise you that they will be prepared to secure enactment reciprocal provisions in Tasmania.—MACARTNEY.

47314

No. 26.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 13th October, 1915.)

(No. 41.)

SIR,

Government House, Hobart,

Tasmania, 6th September, 1915.

IN reply to Mr. Harcourt's despatch No. 102, of the 17th December, 1914\* (Maintenance Orders Enforcement Bill), referring to the adoption in the constituent parts of the Empire of reciprocal legal provisions in the interests of deserted wives and children, I have the honour to report that I have been informed by my Ministers that they will be prepared, in the event of legislation being passed by

\* No. 47 in Dominions No. 51.

the Imperial Parliament on the lines of the draft Bill, to take steps to secure the enactment of reciprocal provisions in Tasmania.

2 I regret that there has been much delay in procuring the information required, but, notwithstanding repeated reminders, I have only recently been able to get my Ministers to address themselves to the consideration of this matter.

3 I informed you by telegram on the 2nd instant\* of their determination to the above effect.

I have, &c.,

WILLIAM ELLISON-MACARTNEY,  
Governor.

(Copy to Governor-General.)

56232

No. 27.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th December, 1915.)

(No. 691.)

SIR,

Government House, Ottawa, 25th November, 1915.

WITH reference to your despatch No. 988, of the 17th December last,† on the subject of proposed legislation in the interests of deserted wives and children, I am requested by the Secretary of State for External Affairs to obtain, if possible, ten copies of the printed enclosure in your despatch, as it has been decided that the matter should be considered by the various Provinces, within whose jurisdiction the proposed legislation would appear to be.

I have, &c.,

ARTHUR.

SECRETARIAT NOTE.—The copies asked for were sent by Secretary of State's despatch No. 1199, of 17th December, 1915.

751

No. 28.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 6th January, 1916.)

(No. 265.)

SIR,

Government House, St. John's, 21st December, 1915.

REFERRING to your despatch No. 459, of the 17th December, 1914,† in relation to a draft Bill to be adopted by the constituent parts of the Empire in the interests of deserted wives and children, I have the honour to annex copy of a letter, under date 20th instant, on the subject received from the Honourable the Colonial Secretary.

I have, &c.,

W. E. DAVIDSON.

\* No. 25.

† No. 47 in Dominions No. 51.



## RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

Enclosure in No. 28.

Department of the Colonial Secretary,

St. John's, Newfoundland, 20th December, 1915.

SIR,

REFERRING to despatch No. 459, of the 17th December, 1914, from the Secretary of State in relation to a draft Bill which is intended to form the basis of reciprocal legal provisions to be adopted by the constituent parts of the Empire in the interests of deserted wives and children, I have the honour to intimate that Ministers concur in the terms of the draft Bill, and will be prepared, in the event of legislation being passed by the Imperial Parliament on the said lines, to take steps to secure the enactment of reciprocal provision in this Colony.

I have, &amp;c.,

J. R. BENNETT,  
Colonial Secretary.

His Excellency

Sir W. E. Davidson, K.C.M.G.,

&c., &c., &c.,  
Governor.

## RESOLUTION IX.: COURT OF APPEAL.

That, having heard the views of the Lord Chancellor and Lord Haldane, the Conference recommends that the proposals of the Government of the United Kingdom be embodied in a communication to be sent to the Dominions as early as possible.

23300

No. 29.

COLONIAL OFFICE TO THE PRIME MINISTER, THE LORD CHANCELLOR,  
THE ATTORNEY-GENERAL, AND THE SOLICITOR-GENERAL.

Downing Street, 13th June, 1916.

[DEAR BONHAM CARTER,]

[DEAR PRIVATE SECRETARY,]

[DEAR SIR FREDERICK SMITH,]

[DEAR SIR G. CAVE,]

THE Prime Minister of the Commonwealth has sent Mr. Bonar Law the enclosed memorandum as to an Imperial Court of Appeal. The subject is one on which the Secretary of State fears it is impossible to take any effective action at present, but Mr. Hughes, he knows, feels strongly about it. Mr. Bonar Law has told him that he has sent a copy [to the Prime Minister, the Lord Chancellor, and the Law Officers.] [to the Lord Chancellor, the Prime Minister, and the Law Officers.] [to you, the Prime Minister, the Lord Chancellor, and the Solicitor-General.] [to you, the Prime Minister, the Lord Chancellor, and the Attorney-General.] A copy is also being sent officially to the Privy Council Office.

Yours &amp;c.,

J. C. C. DAVIDSON.

Enclosure in No. 29.

## MEMORANDUM ON AN IMPERIAL COURT OF APPEAL.

BY THE RIGHT HONOURABLE W. M. HUGHES, PRIME MINISTER OF THE COMMONWEALTH  
OF AUSTRALIA.

THE existence of two supreme tribunals of appeal, one for appellants resident within the United Kingdom, the other for persons resident in other parts of the Empire, is not compatible with the concept of Imperial unity. There should be one supreme tribunal of appeal to which all appellants should have recourse, and the Dominions should not be debarred from representation on that tribunal.

If it is admitted that the establishment of a supreme tribunal of appeal for the Empire is desirable, the following matters must then come up for consideration:

- (1) The status and jurisdiction of the Court.
- (2) Status of its members.
- (3) Emoluments of its members.

## (1) Status and Jurisdiction of the Court.

At the present time the supreme appellate jurisdiction for the United Kingdom is vested in the House of Lords—a tribunal consisting of a limited number of peers, and comprising the Lord Chancellor and six salaried Lords of Appeal in Ordinary, together with certain other lords who have held high judicial office in the United Kingdom, but whose attendance and service is voluntary. The tribunal for the rest of the Empire is the Sovereign in person acting with the advice of the Judicial Committee of the Privy Council, which includes all the members of the House of Lords competent to sit there in a judicial capacity and a number of eminent judges and retired judges, amongst whom have, however, recently been included, *ex officio*, a few judges of the Dominion Courts being already members of the Privy Council. The House of Lords, as a branch of the British Legislature, is hardly perhaps a suitable court of appeal for persons resident in the Dominions. In any case the contemplated reform of the House of Lords, as foreshadowed in the Parliament



Act, would certainly make grave changes in the status of the House of Lords as a judicial tribunal. But on these points no opinion is expressed. What is desired is that there shall be one supreme tribunal for all appellants resident within the British Empire. The status of such a tribunal would be that of a Supreme Court of Appeal throughout the British Empire. As regards jurisdiction, at present the supreme appellate jurisdiction of the Empire is distributed between two tribunals of unequal status and "authority." The decisions of the one have an authority which is denied to those of the other, which, except in the Possessions to which they are particularly applicable, have only such weight as their intrinsic merit may command. The claims of the Dominions is for one supreme appellate tribunal, having the same status and authority throughout the whole of the Empire, and to which suitors in all parts of the Empire may have recourse.

(2) *Status of its Members.*

As regards the status of the members, if the supreme tribunal is to have the same status and authority throughout the Empire, the status of the members composing the tribunal must also be the same. The population and volume of litigation in, for instance, Canada and Australia, is not less than that of Scotland or Ireland, and, other things being equal, there is no reason why it should not be as fitting that these Dominions should be represented on the Supreme Tribunal as Scotland or Ireland. The title of such a representative would not, however, be that he was a Canadian or Australian, or even the best Canadian or Australian available for the appointment at the moment, but that he was, on the whole, the fittest man for the appointment, it being understood that familiarity with the subjects likely to come before the tribunal is an element of fitness, and that, other things being equal, the Dominions should not formally, but practically, be represented in the Supreme Tribunal in the same way as Scotland and Ireland are now represented.

The suggestion has been put forward that there should be a sort of roster of Dominion judges succeeding one another. Such a suggestion appears to be based upon an erroneous conception of the nature of a Supreme Court of Appeal and of the wishes of the Dominions. It assumed that the judge attends, not because his presence is desired to add weight to the decisions of the tribunal as a whole, but because his presence will gratify him or the Dominion from which he comes. Nothing could be further from the true principle or more likely to diminish the authority of the tribunal.

The suggestion has also been put forward that the Dominions desire to see their own judges sitting in the Judicial Committee of the Privy Council for appeals from their Dominion, but strongly object to the presence of a representative from any other Dominion. I can speak for Australia and say that such a view is not held in Australia.

(3) *Emoluments of its Members.*

If there is to be a supreme tribunal throughout the Empire exercising the same jurisdiction and having the same status throughout the Empire, and if its members are to have the same status, it follows naturally that the members from the Dominions must be paid similar salaries to those paid to members appointed from the United Kingdom. To pay any lower salary would be to stereotype the tacitly alleged inferiority of Dominion judges and members of the Bar, and no self-respecting Dominion judge would accept the position on such terms.

W. M. H.

16th May, 1916.

23300

No. 30.

COLONIAL OFFICE to THE PRIVATE SECRETARY TO MR. HUGHES.

DEAR SHEPHERD,

Downing Street, 13th June, 1916.

MR. BONAR LAW is much obliged for Mr. Hughes's memorandum\* with

\* Enclosure in No. 29.

reference to an Imperial Court of Appeal, and he is sending a copy of it to the Prime Minister, the Lord Chancellor, and the two Law Officers, as well as to the Privy Council Office.

Yours, &c.,  
J. C. C. DAVIDSON.

23300

No. 31.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

SIR,

Downing Street, 14th June, 1916.

I AM directed by Mr. Secretary Bonar Law to transmit to you, to be laid before the Lord President of the Council, a copy of a memorandum\* furnished by the Right Honourable W. M. Hughes, Prime Minister of the Commonwealth of Australia, as to an Imperial Court of Appeal.

Copies of the memorandum are being sent to the Prime Minister, the Lord Chancellor, and the Law Officers of the Crown.

I am, &c.,  
HENRY LAMBERT.

\* Enclosure in No. 29.



## RESOLUTION X: NATURALIZATION.

That the Conference approves the scheme of Imperial citizenship, based on the following five propositions:—

- (1) Imperial nationality should be world-wide and uniform, each Dominion being left to grant local nationality on such terms as its Legislature thinks fit.
- (2) The Mother Country finds it necessary to maintain five years as a qualifying period. This is a safeguard to the Dominions as well as to her, but five years anywhere in the Empire should be as good as five years in the United Kingdom.
- (3) The grant of Imperial nationality is in every case discretionary, and this discretion should be exercised by those responsible in the area in which the applicant has spent the last twelve months.
- (4) The Imperial Act should be so framed as to enable each Self-governing Dominion to adopt it.
- (5) Nothing now proposed would affect the validity and effectiveness of local laws regulating immigration and the like or differentiating between classes of British subjects.

29556

No. 32.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 33.]

(Confidential.)

SIR,

Downing Street, 19th July, 1916.

I AM directed by Mr. Secretary Bonar Law to transmit to you, to be laid before Mr. Secretary Samuel, an extract from a despatch from the Governor of New Zealand, in which he refers to the question of the policy to be adopted in regard to naturalization after the War.

2. I am to refer, in this connexion, to Mr. Samuel's statement in the House of Commons on the 29th ultimo as to the undesirability of allowing persons to be naturalized as British subjects while at the same time they retain their allegiance to a foreign State. Mr. Bonar Law would be glad to learn whether any amendment of the law to deal with this point is contemplated.

I am, &amp;c.,

HENRY LAMBERT.

Enclosure in No. 32.

EXTRACT FROM GOVERNOR'S SECRET DESPATCH, DATED 9TH MAY, 1916.

*Naturalization.*—This whole question will need reviewing, and I think it would be well if you could see your way to make a suggestion to the New Zealand Ministers. The feeling here is that no alien should become a British subject except after a long and continual residence in British territory, and then only if his character and antecedents were above suspicion.

45924

No. 33.

HOME OFFICE to COLONIAL OFFICE.

(Received 25th September, 1916.)

SIR,

Home Office, Whitehall, 23rd September, 1916.

I AM directed by Mr. Secretary Samuel to refer to your letter of the 19th July,\* covering an extract from a despatch from the Governor of New Zealand with reference to the question of the policy to be adopted in regard to naturalization after the War, and to say, for the information of Mr. Secretary Bonar Law, that Mr. Samuel recognizes that this question is one of serious national importance, but would not be disposed to promote or suggest any legislative change in the British Nationality and Status of Aliens Act, 1914, and the Acts of the Parliaments

\* No. 32.

in the British Dominions by which that Act was adopted, until the whole question has been thoroughly considered in consultation with the Governments or representatives of the Governments of the British Dominions.

Pending any general amendment of the legislation on this subject, there appear to be certain alterations which might be introduced into the administration of the Act with a view to meeting the conditions that arise from the present War. It would, for instance, be possible to require that any subject of Germany whom after the War it might be thought desirable to naturalize should make an express declaration, as part of his memorial asking for naturalization, to the effect that he had not applied for, or received, the special permission of the German authorities to retain his German nationality. The present German nationality law, enacted in 1913 under the auspices of Herr Delbrück, provides that a German subject loses his German nationality upon naturalization in a foreign country unless he has previously received the special permission of the German authorities to retain his original nationality. If he has received or applied for such a permission, and untruly declares that he has not, his statement is a false representation within the meaning of Section 7 (1) of the British Nationality and Status of Aliens Act, 1914, and would, when discovered, be a cause for the revocation of the certificate.

Further, by way of supplementing Section 13 of the Act of 1914, under which a naturalized British subject would cease to be a British subject if he returned to his country of origin and resumed his original nationality, provision might be made against any attempt to recover German nationality while still resident in the British Empire—an attempt possible under the Delbrück law—by requiring an undertaking not to make any such attempt.

A similar declaration could, however, not be universally insisted upon in the case of all applicants other than those of German nationality. Certain countries (for example, Russia) do not recognize the loss of original nationality by naturalization abroad. Nor would an undertaking of the nature indicated be applicable in other than German cases.

Another administrative change which could be made without any legislation would be to require from applicants of German nationality a longer period of residence than the statutory minimum of five years. The grant of a certificate under the British Nationality and Status of Aliens Act, 1914, is purely discretionary, and it is open at any time to any Government in the British Empire to enforce as a rule of practice a longer period of residence than the minimum, in the case either of individual applicants or of applicants of any particular class. The question whether the statutory minimum of residence should be increased is a question which, in Mr. Samuel's opinion, would fittingly be reserved for the consideration of any commission or committee which may be charged with the investigation of the whole subject.

I am, &amp;c.,

JOHN PEDDER.



## RESOLUTION XIV.: CHEAPER CABLE RATES.

That, in view of the social and commercial advantages which would result from increased facilities for intercommunication between her dependencies and Great Britain, it is desirable that all possible means be taken to secure a reduction in cable rates throughout the Empire.

631

No. 34.

CANADA: AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.35 p.m., 5th January, 1915.)

TELEGRAM.

[Copy to Treasury and Pacific Cable Board, 12th January, 1915. L.F.F.]

[Answered by Nos. 36 and 38.]

5TH JANUARY. [Your despatch of 19th June, No. 342.\*] [Your despatch of 12th October, No. 273†]. His Majesty's Government have considered further memorandum by Pacific Cable Board on terminal rates, copies of which were communicated to [Postmaster-General] [Department of External Affairs] in High Commissioner's letter of [12th November.] [20th November.] They hope that Commonwealth Government will be able to accept suggested reduction of terminal rate from 5d. to 2d., so that ordinary rate charged to the public may be reduced from 3s. to 2s. 8d. per word in the case of Australia, as well as New Zealand, as from 1st April next [(to Canada only:)] and have so informed Commonwealth Government.]—HARCOURT.

631

No. 35.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 5.35 p.m., 5th January, 1915.)

TELEGRAM.

[Copy to Treasury and Pacific Cable Board, 12th January, 1915. L.F.]

YOUR despatch of 2nd July, No. 116‡. His Majesty's Government have considered further memorandum by Pacific Cable Board on terminal rates. Memorandum intimates intention to reduce ordinary New Zealand rate to 2s. 8d. as from 1st April next. It recommends that Australian terminal charge should be reduced from 5d. to 2d., and states that, if this can be done, ordinary Australian rate would be reduced to 2s. 8d. also. His Majesty's Government hope that Commonwealth Government will be able to accept this suggestion, so that reduction may take place in case of Australia as well as New Zealand as from 1st April next. They have so informed Commonwealth Government. Text of memorandum follows by mail.—HARCOURT.

3563

No. 36.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.10 p.m., 22nd January, 1915.)

TELEGRAM.

[Copy to Treasury and Pacific Cable Board, 26th January, 1915. L.F.F.]

22ND JANUARY. Your telegram 5th January.§ Memorandum of Pacific Cable Board on terminal rates. Am requested to inform you that Postmaster-General heartily agrees with action taken, and trusts Australian Government will see its way clear to accept proposed reduction.—ARTHUR.

\* No. 82 in Dominions No. 51. † No. 86 in Dominions No. 51.  
‡ No. 84 in Dominions No. 51. § No. 34.

3563

No. 37.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.5 p.m., 25th January, 1915.)

TELEGRAM.

[Copy to Treasury and Pacific Cable Board, 26th January, 1915. L.F.F.]

My telegram 5th January.\* Following telegram has been received from Governor-General of Canada:—

Your telegram 5th January. Memorandum of Pacific Cable Board on terminal rates. Am requested to inform you that Postmaster-General heartily agrees with action taken, and trusts Australian Government will see its way clear to accept proposed reduction.

—HARCOURT.

12590

No. 38.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.57 p.m., 16th March, 1915.)

TELEGRAM.

[Copy to Pacific Cable Board, 18th March, 1915. L.F.]

[Answered by No. 40.]

YOUR telegram 5th January,\* terminal rates. Prime Minister informs me that as reduction from 5d. to 2d. would involve loss of revenue (approximately £50,000 annually) to Commonwealth Administration, as reduction would necessarily apply to Eastern Extension Company's business as well as Pacific Cable Board, and since such reduction would not benefit the partners of the Pacific Cable, Government of Commonwealth of Australia is unable to agree to it. Despatch† follows by mail.—MUNRO FERGUSON.

12590

No. 39.

CANADA: NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(Canada. No. 256.)

(New Zealand. No. 137.)

[SIR,] [MY LORD,]

Downing Street, 19th March, 1915.

WITH reference to [Your Royal Highness's telegram of 22nd January last,‡] [my despatch No. 8 of 5th January last,§] I have the honour to transmit to [you,] [Your Excellency,] for the information of your Ministers, copy of a telegram|| from the Governor-General of the Commonwealth of Australia on the subject of terminal rates charged in Australia on cable traffic.

2. I also enclose a copy of a notice issued by the Pacific Cable Board as to reductions of telegraphic rates to and from New Zealand, Fiji, and Norfolk Island, to take effect from the 1st proximo.

I have, &amp;c.,

L. HARCOURT.

\* No. 34.

† No. 42.

‡ No. 36.

§ 631: not reprinted.

|| No. 38.



Enclosure 2 in No. 39.  
(Circulated to Australasian business houses.)

The Pacific Cable Board,  
Queen Anne's Chambers, S.W., 11th March, 1915.

*Reduction of Rates.*

THE Pacific Cable Board beg to announce the following reductions of telegraphic rates to and from New Zealand, Suva (Fiji Islands), and Norfolk Island, commencing 1st April next.

To New Zealand, Suva, and Norfolk Island the ordinary rate, now 3s. per word, is reduced to 2s. 8d. per word.

To New Zealand, Suva, and Norfolk Island the deferred ordinary rate, now 1s. 6d. per word, is reduced to 1s. 4d. per word.

To New Zealand and Suva the week-end rate, now 15s. for twenty words and 9d. for each additional word, is reduced to 13s. 4d. for twenty words and 8d. for each additional word.

The Board feel assured that they can count on the continued support of all their clients, and they will welcome a trial by those who have not hitherto used their route.

Messages "via Pacific" can be handed in at any Postal Telegraph Office in the United Kingdom, or at any of the Atlantic Cable Companies' Offices.

F. J. ADYE,  
Secretary.

12590

No. 40.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 172.)

SIR, Downing Street, 19th March, 1915.  
WITH reference to Your Excellency's telegram of the 16th March,\* I have the honour to transmit to you, for the information of your Ministers, copy of a notice† issued by the Pacific Cable Board as to reductions of telegraphic rates to and from New Zealand, Fiji, and Norfolk Island, to take effect from the 1st proximo.

I have, &c.,  
L. HARCOURT.

18113

No. 41.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 19th April, 1915.)

(No. 43.)

SIR, Wellington, 5th March, 1915.  
I HAVE the honour to acknowledge the receipt of your despatch No. 8, of the 5th January,‡ forwarding copies of a memorandum§ from the Pacific Cable Board, and a copy of a despatch|| from the Governor-General of Australia, on the subject of terminal rates in Australia and New Zealand.

2. In a minute addressed to my Prime Minister by the Postmaster-General, commenting upon the memorandum, the following remarks are made:—

\* No. 38. † Enclosure 2 in No. 39. ‡ 631: not printed. § Enclosure in No. 85 in Dominions No. 5.  
|| No. 86 in Dominions No. 51.

"It is to be hoped that the arguments of Sir Henry Babington Smith, which appear to me to be unanswerable, will be conceded the justification of a reduction of the terminal charge accompanied by a lowering of rates to the public by the Commonwealth Government. The memorandum of the 18th November was received from the High Commissioner shortly before the receipt of the Secretary of State's despatch."

I have, &c.,  
LIVERPOOL,  
Governor.

19261

No. 42.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th April, 1915.)

(No. 62.)

Commonwealth of Australia, Governor-General's Office,  
Melbourne, 17th March, 1915.

SIR,

IN continuation of my cablegram of this day's date,\* in reply to your telegram of the 5th January,† on the subject of a memorandum by the Pacific Cable Board respecting terminal rates, my Prime Minister desires that my cablegram should be supplemented to the extent of inviting attention to the arguments previously communicated in favour of the maintenance of the existing terminal rate in Australia as set forth in my despatch No. 273, dated the 12th October last.‡ The Prime Minister also draws attention to the fact that the Commonwealth Postmaster-General's Department has now agreed to give the Pacific Cable Board the use of a line between Melbourne and Sydney.

The contention that, because the Pacific Cable Board does not use the Port Darwin line, the Commonwealth Administration should not urge the maintenance of that line and the line between Sydney and Adelaide as a reason in favour of continuing its existing transit and terminal rates appears to the Commonwealth Government to indicate that the Board is unaware of the provision of the International Telegraph Convention which requires that these charges must be the same by all routes.

Further, for the reason set forth in my despatch referred to above, the Commonwealth Government cannot see its way to concur in the proposal that the revenue derived from terminal rates be taken into account in assessing the proportion in which the deficit or profit should be divided by the various partners in the Pacific Cable.

The establishment of two zones would be a contravention of paragraph 1 of Clause 26 of the International Telegraph Regulations, and, even if that were not the case, the equity of such action upon the Eastern Extension Company and its clients could not, it is considered, be defended. The Commonwealth Government is, therefore, unable to agree to such a course.

It is pointed out that, in dealing with the New Zealand case, it is stated that the claim of that Dominion has hitherto been resisted because of the recognized principle of the International Telegraph Union that it is undesirable to have differences of rate for places in the same region, while at the same time a suggestion is put forward for the adoption of a zone system in Australia which would have the effect of imposing differential rates in the same territory.

As between the United Kingdom on the one side and Australia and New Zealand there does not appear to be any valid reason why there should not be differential rates, seeing that the circumstances are entirely different. On the other hand, to have such rates as between the United Kingdom and different parts

\* No. 38. † No. 34. ‡ No. 86 in Dominions No. 51.



of Australia would necessitate penalizing a large section of the population unless they used the Pacific Cable exclusively.

I desire to add that the Commonwealth Administration is agreeable to consider any proposal for a reduction in charges for cabling to the public on the basis that such reductions shall be borne by all concerned.

I have, &c.,  
R. M. FERGUSON,  
Governor-General.

19261

No. 43.

AUSTRALIA.

COLONIAL OFFICE to THE PACIFIC CABLE BOARD.

SIR, Downing Street, 6th May, 1915.  
WITH reference to your letter of 19th March last,\* I am directed by Mr. Secretary Harcourt to transmit to you, for any observations which the Pacific Cable Board may wish to offer, copy of a despatch† from the Governor-General of the Commonwealth of Australia regarding the proposed reduction of the Australian terminal rates.

2. I am, at the same time, to enclose copy of a despatch‡ from the Governor of New Zealand on the subject.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

12639

No. 44.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 47.]

(No. 165.)

SIR, Downing Street, 9th April, 1915.  
I HAVE the honour to request you to inform your Ministers that representations have been made by the Admiralty to the Postmaster-General as to the high charge for Government telegrams exchanged between Newfoundland and Halifax, Nova Scotia. It appears that there is at present no reduced rate for Government telegrams between Newfoundland and Canada, and, further, that, under the general American rules of counting applicable to all telegrams between Newfoundland and the American continent, each figure is charged as a separate word.

2. It does not appear to be practicable at present to require the cable companies to adopt special rules of counting for Government telegrams, but it would seem advisable, if possible, that steps should be taken to secure a reduced rate for British and Colonial Government telegrams between Newfoundland and Canada. Your Ministers will remember that the same opinion is expressed by the Dominions Royal Commission in paragraph 59 of their Fourth Interim Report [Cd. 7711].

3. An appropriate reduction would be that already applied to Government telegrams between the United Kingdom and Canada and Newfoundland, viz., 50 per cent. of the full cable rate.

4. I shall be glad if your Ministers will consider whether the reduction suggested can be carried out and made applicable to Government telegrams in both directions between Canada and Newfoundland. If arrangements could be made for such reduction on the Government line to Canso, Nova Scotia, via Port aux Basques, the same reductions would, no doubt, be made on the alternative route under the control of the Western Union Telegraph and Cable Company.

\* 12590: not printed.

† No. 42.

‡ No. 41.

5. I take this opportunity of transmitting to you, for the information of your Ministers, a copy of correspondence with reference to the application of the Western Union Telegraph and Cable Company for facilities for the diversion of one of their cables from Canso to Bay Roberts.

I have, &c.,  
L. HARCOURT.

14433.

Enclosure 1 in No. 44.

WESTERN UNION TELEGRAPH AND CABLE COMPANY to THE CHAIRMAN, BOARD OF CUSTOMS AND EXCISE.

SIR, 26, Old Broad Street, London, E.C., 26th February, 1915.

ONE of the cables of the Western Union Cable Company having developed a fault, it is proposed to divert the cable, which now runs from Penzance, England, to Canso, Canada, to Bay Roberts, in Newfoundland, and this will necessitate the manufacture and shipping of about 700 miles of new cable.

It is not proposed that this cable should be landed, but it will be joined on to the existing cable in the Atlantic and carried in to Bay Roberts.

Before giving instructions for this cable to be manufactured, the Company would like to be assured that there will be no difficulty in clearing this cable from any English port in a cable ship.

I am, &c.,  
S. J. GODDARD,  
European Representative.

Enclosure 2 in No. 44.

SIR, General Post Office, London, 26th March, 1915.

WITH reference to the letter which you addressed to the Board of Customs and Excise on the 26th of February, a copy of which has been sent to this Office, relative to a proposal to divert the Penzance-Canso cable to Bay Roberts, Newfoundland, I am directed by the Postmaster-General to say that the matter has been brought before the Cables (Landing Rights) Committee, who see no objection to the proposal. I am to point out, however, that it will be necessary for the Company to obtain the consent of the Canadian and Newfoundland Governments for the proposed diversion.

I am, &c.,

S. J. Goddard, Esq.,  
Western Union Telegraph  
and Cable Company, Limited.

12639

No. 45.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 46.]

(No. 309.)

SIR, Downing Street, 9th April, 1915.

I HAVE the honour to transmit to Your Royal Highness, for the information of Your Ministers, a copy of a despatch\* which I have sent to the Governor of Newfoundland, with reference to the question of the rate for Government telegrams between Newfoundland and Canada.

2. I also enclose a copy of the correspondence† with the Western Union Telegraph and Cable Company to which reference is made in the last paragraph of the despatch to Newfoundland.\*

I have, &c.,  
L. HARCOURT.

\* No. 44.

† Enclosed in No. 44.



22842

No. 46.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 18th May, 1915.)

[Copy to General Post Office, 21st May, 1915. L.F.]

[Answered by No. 48.]

(No. 312.)

SIR,

Government House, Ottawa, 5th May, 1915.

WITH reference to your despatch No. 309, of the 9th April,\* on the subject of the rates for Government telegrams between Newfoundland and Canada, I have the honour to transmit, herewith, a copy of a letter addressed to the Under-Secretary of State for External Affairs by the Deputy Minister of Public Works.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 46.

SIR,

Office of the Deputy Minister, Ottawa, 26th April, 1915.

RESPECTING your reference No. 309, under date of 22nd April, 1915, concerning rate for Government telegrams between Newfoundland and Canada and proposed change of landing-place of one of the Western Union Atlantic cables from Canso, Nova Scotia, to Bay Roberts, Newfoundland, I beg to say that the Dominion Government Telegraph Service does not touch the ground in question. All of the cables in operation between Newfoundland and the shores of Nova Scotia belong to the Western Union Telegraph Company and the Commercial Cable Company. The land lines in Newfoundland are for the most part operated by the local Government in conjunction with the Anglo-American (Western Union) system. Any required changes in the rates of charge could, under these circumstances, best be dealt with by the Newfoundland Government and the cable companies, whose rates for traffic are equal for all points reached by both.

As regards the proposed shifting of the Canadian end of one of the existing cables from Canso to Bay Roberts, I note that the Cables (Landing Rights) Committee sees no objection to the proposal, but pointed out to the Company that it should obtain the consent of the Canadian and Newfoundland Governments to the proposed diversion. So far as Canada is concerned there would seem to be nothing in the way, but no formal application for approval of the diversion has yet been received.

I find that in October, 1887, there was an Order in Council passed granting permission to the Direct Cable Company (now included in the Western Union System) to change the landing of their cables (east and west) from Torbay, Nova Scotia, to Halifax. Furthermore, it appears that in 1910 the same company changed their eastern cable from Halifax to Harbour Grace, Newfoundland. In the latter instance there was no reference made to this Government, so far as I am aware, the Company probably considering it unnecessary in view of there being no obstacles put in their way on the earlier occasion mentioned; so perhaps they are not proposing to make any application for approval here and have same sanctioned by Order in Council.

I am, &amp;c.,

J. B. HUNTER,  
Deputy Minister.

The Under-Secretary of State,  
Department of External Affairs,  
Ottawa, Ontario.

\* No. 45.

40341

No. 47.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st September, 1915.)

[Copy to General Post Office, 3rd September, 1915. L.F.]

[Answered by No. 49.]

(No. 182.)

SIR,

Government House, St. John's, 14th August, 1915.

WITH reference to your despatch No. 165, of the 9th April last,\* on the subject of reduced rates for British and Colonial Government telegrams between Newfoundland and Canada, I have the honour to annex copy of a letter from the Honourable Colonial Secretary, under date 12th instant, referring to this subject.

In connexion with paragraph 5 of your despatch under reference, I annex copy of correspondence with the President of the Western Union Telegraph Company, New York, with regard to the diversion from Dover Bay, near Canso, Nova Scotia, to Bay Roberts, Newfoundland, of the second of the two cables which the Company leases from the American Telegraph and Cable Company.

I have, &amp;c.,

W. E. DAVIDSON.

Enclosure in No. 47.

Department of the Colonial Secretary, St. John's,

Newfoundland, 12th August, 1915.

SIR,

REFERRING to Your Excellency's memorandum, of date 29th April, covering despatch No. 165, of the 9th April, from the Secretary of State, in regard to the charge for Government telegrams exchanged between Newfoundland and Halifax, Nova Scotia, I have the honour to intimate that it is impossible to change the present method of counting whereby each figure is charged as a separate word. From the Commercial Cable Company, which is the connexion in Canada for the Newfoundland Government cable, it is learned that there are no reduced rates in Canada for Government messages, either Canadian or British. It seems impossible, therefore, to obtain any reduction from our connecting companies.

This Government, however, is willing to reduce the rates on the Government cable between this and Canso so that messages between Newfoundland and Halifax, Nova Scotia, which at present cost eighty-five cents for ten words, shall, under the new rate, be reduced to forty-five cents per ten words. Instructions have accordingly issued to the Postmaster-General here so that this new rate shall apply for all Government telegrams between this Colony and Canada and the United States, the same reduction applying also to messages coming this way. Each figure will still be charged as a separate word. As this reduction pertains only to the Newfoundland Government lines the amount of the same will not be so large in proportion as in the case of Halifax where messages are going to places farther away.

I have, &amp;c.,

J. R. BENNETT,  
Colonial Secretary.

His Excellency

Sir Walter E. Davidson, K.C.M.G.,

&c., &c., &c.  
Governor.

Enclosure 2 in No. 47.

SIR,

Government House, St. John's, Newfoundland, 26th July, 1915.

WITH reference to your letter of 6th April last, I have the honour to annex copy of a letter, under date 19th instant, from the Honourable the Colonial Secretary on the subject of your application for the diversion from Dover Bay, near Canso

\* No. 44.



Nova Scotia, to Bay Roberts, Newfoundland, of the second of the two cables which your company leases from the American Telegraph and Cable Company.

I have, &c.,

[W. E. DAVIDSON,]

Governor.

Newcomb Carlton, Esq.,  
President,

Western Union Telegraph Company, Limited,  
195. Broadway, New York.

Enclosure 3 in No. 47.

Department of the Colonial Secretary, St. John's,

Newfoundland, 19th July, 1915.

SIR,

REFERRING to Your Excellency's memorandum, of date 17th April, covering letter from Mr. Newcomb Carlton, President of the Western Union Telegraph Company, New York, with two copies of plans, asking authority for the diversion from Dover Bay, near Canso, Nova Scotia, to Bay Roberts, Newfoundland, of the second of the two cables which the Company leases from the American Telegraph and Cable Company, I have the honour to intimate that the Minister of Justice reports that there is no objection to this permission being given.

Section 9 of the Western Union Telegraph Company Act of 1911 has reference to the breaking up or opening up of any street, thoroughfare, or private property, but, from the document submitted, it does not appear that the Company wishes to do any such act, and the present position does not therefore cover such. If it subsequently appears that, as a result of any work which they undertake in connexion with the diversion of this cable, it is necessary for them to break up, dig or open up, any street, thoroughfare, or private property, it will be necessary for them to submit plans and secure the approval of the Governor in Council before proceeding.

I beg to return herewith to Your Excellency the letter under reference, together with one of the plans.

I have, &c.,

J. R. BENNETT,

Colonial Secretary.

His Excellency

Sir W. E. Davidson, K.C.M.G., &c., &c.

3826

No. 48.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 107.)

SIR,

Downing Street, 2nd February, 1916.

WITH reference to Your Royal Highness's despatch No. 312, of 5th May, 1915,\* on the subject of cable rates, I have the honour to transmit to you copy of a despatch† from the Governor of Newfoundland, and to request you to inform your Ministers that the Western Union Company have agreed to reduce the rate for Government telegrams between St. John's, Newfoundland, and Halifax, Nova Scotia, sent over their cables, from eighty-five cents for ten words to forty-five cents for ten words.

2. It is proposed that the reduced rate should come into operation from 1st February.

I have, &c.,

A. BONAR LAW

\* No. 46.

† No. 47.

3826

No. 49.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 65.)

SIR,

Downing Street, 2nd February, 1916.

WITH reference to your despatch No. 182, of 14th August, 1915,\* I have the honour to request you to inform your Ministers that the Western Union Company have agreed to reduce the rate for Government telegrams between St. John's, Newfoundland, and Halifax, Nova Scotia, sent over their cables, from eighty-five cents for ten words to forty-five cents for ten words.

2. It is proposed that the reduced rate should come into operation from 1st February.

I have, &c.,

A. BONAR LAW.

\* No. 47.



## RESOLUTION XVIII: IMPERIAL POSTAL ORDER SCHEME.

That it is desirable to complete the Imperial Postal Order scheme by its extension to Australia and its full adoption by Canada, so that the British Postal Order shall be obtainable and payable in all parts of the Empire, and thus afford a ready and economical means of remitting small sums not only between the United Kingdom and other parts of the Empire, but between each part and every other.

55585

No. 50.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL OF AUSTRALIA.

(Sent 6.10 p.m., 3rd December, 1915.)

TELEGRAM.

[Copy to General Post Office, 8th December, 1915. L.F.]

[Answered by No. 52]

YOUR despatch 15th October, 1913, No. 246.\* Postmaster-General has received urgent request from Assistant Director of Army Postal Service, Australian and New Zealand Army Corps, for arrangements to be made for payment of British postal orders in Australia, which it is thought would result in large sale of orders to Australian troops.

Your Ministers are aware of advantage which His Majesty's Government have always felt would result if Commonwealth Government could participate in Imperial postal order scheme. In view of fresh evidence of demand for system shall be glad to learn whether your Ministers would wish to reconsider previous decision, or at least to adopt modified arrangement, such as that in operation in Canada, whereby postal orders are paid at certain offices but are not issued in Dominion.—BONAR LAW.

621

No. 51.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 7.40 a.m., 5th January, 1916.)

TELEGRAM.

[Copy to General Post Office, 8th January, 1916. L.F.]

YOUR telegram 4th January.† Approval given already for cashing without charge British postal orders purchased by soldiers in United Kingdom, Egypt, Malta, and Gibraltar, presented for payment in Commonwealth. Not proposed, however, further extend British postal order system. Vide enclosure (?to) my despatch 23rd December, No. 443.‡—MUNRO-FERGUSON.

\* No. 246 in Dominions No. 45.

† Reminder of No. 50.

‡ No. 52.

4789

No. 52.

AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 31st January, 1916.)

[Copy to General Post Office, 7th February, 1916. L.F. (See No. 53).]

[Answered by No. 54.]

(No. 443.)

Commonwealth of Australia,

SIR,

Governor-General's Office, Melbourne, 23rd December, 1915.

REFERRING to your cablegram dated 3rd instant,\* relative to the payment of British postal orders in Australia, I have the honour to forward herewith copy of a despatch which has been received from my Prime Minister on this subject.

I have, &amp;c.,

R. M. FERGUSON,  
Governor-General.

Enclosure in No. 52.

(15/2525/2.)

Commonwealth of Australia, Prime Minister,

SIR,

Melbourne, 21st December, 1915.

WITH reference to the Secretary of State for the Colonies' cablegram dated 3rd December, 1915, I have the honour to invite Your Excellency to be so good as to inform Mr. Bonar Law that approval has already been given for the cashing, without charge, of British postal orders purchased by soldiers in the United Kingdom, Egypt, Malta, and Gibraltar, and which are presented for payment at Money Order Offices of the Commonwealth, and that the number of such notes now being paid indicates that this facility is being largely availed of. It is not proposed, however, to further extend the British postal order system.

The method of transmitting moneys by means of postal notes is not by any means a safe one, especially under war conditions, and Ministers consider that it is not desirable to encourage the sale of large orders of British postal notes to Australian soldiers.

It is desired to point out that this Government would be better able to understand the position if the circumstances which are considered by the Imperial authorities to render it advisable to encourage the sale of British postal orders to Australian soldiers were stated.

I have, &amp;c.,

W. M. HUGHES.

His Excellency

The Right Honourable

Sir R. Munro-Ferguson, P.C., G.C.M.G.,

&amp;c., &amp;c., &amp;c.

9468

No. 53.

AUSTRALIA.

GENERAL POST OFFICE TO COLONIAL OFFICE.

(Received 28th February, 1916.)

[Answered by L.F. transmitting copy of No. 55.]

(Extract.)

SIR,

General Post Office, London, 26th February, 1916.

I AM directed by the Postmaster-General to refer to your letter of the 7th instant, No. 4789/15-16,† and to previous correspondence, respecting the

\* No. 50.

† L.F. transmitting copy of No. 55.



participation of the Commonwealth of Australia in the Imperial postal order scheme to the extent of paying postal orders issued to soldiers in the United Kingdom, Egypt, Malta, and Gibraltar.

It is a feature of the scheme that the senders of postal orders from certain of the countries participating in the scheme (including the United Kingdom, Malta, and Gibraltar, but not Egypt) may increase the value of an order by an amount not exceeding 5d. by affixing postage stamps, not more than three in number, to the face of the order, the value of such stamps being allowed by the country of payment. The Postmaster-General will be glad to learn whether the Australian Post Office will allow to the payees the value of postage stamps affixed to orders sent by soldiers from the United Kingdom, Malta, and Gibraltar.

With reference to the last paragraph of the letter of the 21st of December last from the Prime Minister of Australia, of which a copy accompanied your letter of the 7th instant No. 4789/15-16, I am to state that it was decided to issue a stock of British postal orders to the Field Post Office at the headquarters of the Australian and New Zealand Army Corps, at which British and Indian, as well as Australian and New Zealand, troops were stationed, in order to provide the machinery for the despatch of private telegrams from the troops. When this arrangement had been in force for some time representations were received from the Australian Assistant Director of Postal Services that arrangements should be made by telegraph with the Australian Postmaster-General to extend the payment of British postal orders to Australia. It is assumed that postal orders were found to be a more convenient means of remitting small sums of money than the system of deduction from pay, which, it is understood, was already in force.

I am, &c.,

E. W. FARNALL.

9468

No. 54.

AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 55.]

(No. 195.)

SIR,

Downing Street, 2nd March, 1916.

WITH reference to Your Excellency's despatch No. 443, of 23rd December, 1915,\* I have the honour to transmit to you, to be laid before your Ministers, a copy of a letter† from the Postmaster-General on the subject of the scheme for issuing British postal orders to Australian troops in the United Kingdom, Egypt, Malta, and Gibraltar.

I have, &c.,

A. BONAR LAW.

30300

No. 55.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th June, 1916.)

[Copy to General Post Office, 5th July, 1916. L.F.]

(No. 161.)

(Extract.)

Commonwealth of Australia,

SIR,

Governor-General's Office, Melbourne, 12th May, 1916.

REFERRING to your despatch No. 195, dated 2nd March, 1916,‡ on the subject of a scheme for issuing postal orders to Australian troops in the United Kingdom,

\* No. 52.

† No. 53.

‡ No. 54.

Egypt, Malta, and Gibraltar, I have the honour to inform you that I am advised by my Prime Minister that approval has been given for postage stamps (up to 5d.) affixed to British postal orders purchased by soldiers in the United Kingdom, Malta, and Gibraltar, to be accepted for payment, and also British stamps (but not Egyptian) affixed to orders purchased by soldiers in Egypt.

I have, &c.,

R. M. FERGUSON,  
Governor-General.



## RESOLUTION XIX.: COMMERCIAL TREATIES.

That His Majesty's Government be requested to open negotiations with the several Foreign Governments having commercial treaties which apply to the overseas Dominions, with a view to securing liberty for any of those Dominions which may so desire to withdraw from the operation of the Treaty without impairing the Treaty in respect of the rest of the Empire.

Costa Rica.

12100

No. 56.

AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 173.)

SIR, Downing Street, 19th March, 1915.  
WITH reference to my despatch No. 158, of the 20th March, 1914,\* I have the honour to transmit to Your Excellency, for the information of your Ministers, copies of despatches from His Majesty's Minister at Panama, regarding the termination, with respect to the Commonwealth of Australia, Papua, and Norfolk Island, of the Treaty of Commerce of 1849 between the United Kingdom and Costa Rica, which becomes effective on the 11th September next.

2 I have to explain that the Protocol of the 18th August, 1913, between the United Kingdom and Costa Rica was not ratified by the President of the Republic until 25th July last.

I have, &c.,  
L. HARCOURT

50975.

Enclosure 1 in No. 56.

(No. 21. Treaty.)

SIR, British Legation, Panamá, 13th October, 1914.  
WITH reference to Mr. Chalkley's despatch, No. 12 Treaty, of 22nd August last, I have the honour to transmit to you herein a copy of the notification sent to the Government of Costa Rica of the determination of the Commonwealth of Australia, Papua, and Norfolk Island, to terminate—as far as it affects them—the Treaty of Friendship, Commerce, and Navigation concluded between Great Britain and Costa Rica on 27th November, 1849, and a translation of the reply received from the Secretary of State for Foreign Affairs, acknowledging the withdrawal of those Dominions.

I also have the honour to enclose a translation of a notice published in the *Official Gazette* on 26th September giving effect to the notification.

I have, &c.,  
C. MALLET.

The Right Honourable  
Sir Edward Grey, Bart., K.G., M.P.,  
&c., &c., &c.

British Legation, Panamá,

MONSIEUR LE MINISTRE, 11th September, 1914.

WITH reference to the Protocol signed on 18th August, 1913, and ratified by His Excellency the President of the Republic of Costa Rica on 25th July, 1914, respecting the application of the Treaty of Commerce of 27th November, 1849, to certain parts of His Britannic Majesty's dominions, I have been instructed by His Britannic Majesty's Principal Secretary of State for Foreign Affairs to inform the Government of Costa Rica of the desire of the Commonwealth of Australia, Papua, and Norfolk Island to terminate the existing Treaty of Commerce of the 27th November, 1849, between the United Kingdom and Costa Rica.

\* No. 110 in Dominions No. 51.

## RESOLUTION XIX.: COMMERCIAL TREATIES.

In consequence, I have the honour to give Your Excellency formal notice for the termination of the said treaty on the expiration of twelve months as applicable to the Commonwealth of Australia, Papua, and Norfolk Island.

I profit by this occasion to renew to Your Excellency the assurance of my most distinguished consideration.

H. O. CHALKLEY,  
Chargé d'Affaires.

His Excellency  
Lic. Don Manuel Castro Quesada,  
Secretary of State for Foreign Relations,  
Costa Rica.

(Translation.)

SIR, Republic of Costa Rica, San José, 24th September, 1914.

I HAVE the honour to acknowledge the receipt of your note of the 11th instant, in which you notify my Government that, in conformity with the stipulations of the Protocol signed on 18th August, 1913, the British Possessions of Australia, Papua, and Norfolk Island, have determined to terminate—as far as it affects them—the treaty of 27th November, 1849, concluded between Costa Rica and the United Kingdom.

I avail myself, &c.,  
MANUEL CASTRO QUESADA.

The Honourable  
Harry O. Chalkley,  
Chargé d'Affaires *ad interim* of Great Britain,  
Panamá.

TRANSLATION OF A NOTICE PUBLISHED IN THE "OFFICIAL GAZETTE" OF COSTA RICA, ON 26TH SEPTEMBER, 1914, DECLARING THAT THE TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION, OF 27TH NOVEMBER, 1849, NO LONGER AFFECTS THE COMMONWEALTH OF AUSTRALIA, PAPUA, AND THE ISLAND OF NORFOLK.

Manuel Castro Quesada, Secretary of State for Foreign Affairs, declares that the Treaty of Friendship, Commerce and Navigation, concluded between Costa Rica and Great Britain, 27th November, 1849, having been denounced by the Commonwealth of Australia, Papua, and Norfolk Island, has ceased to be effective as far as those Dominions are concerned since 24th September, 1914.

MANUEL CASTRO QUESADA.

San José, 24th September, 1914.

12100.

Enclosure 2 in No. 56.

(No. 8. Commercial.)

SIR, British Legation, Panamá, 18th February, 1915.  
WITH reference to your despatch No. 2, Commercial, of 19th January, I have the honour to state that formal notice was given to the Government of Costa Rica, on 11th September last, to terminate the Treaty of Commerce of 1849 between the United Kingdom and Costa Rica, in its effects upon the Commonwealth of Australia, Papua, and Norfolk Island.

In conformity with the stipulations of the Protocol signed on the 18th August, 1914, the termination of the treaty as regards the Commonwealth becomes effective on 11th September, 1915, or one year after the date of notice of termination was given.

The denouncement published by the Minister for Foreign Affairs of Costa Rica on 24th September was erroneous in declaring the treaty "has ceased to be effective," as the words "after September 11th, 1915," should have followed.

I have, &c.,  
The Right Honourable  
Sir Edward Grey, Bart., K.G., M.P.,  
&c., &c., &c.  
C. MALLET.



## Japan.

11292

No. 57.

## AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 22nd March, 1915. L.F.]

[Answered by No. 58.]

(Confidential (2).)

SIR,

Downing Street, 19th March, 1915.

WITH reference to Lord Denman's despatch No. 164, of the 14th September, 1911,\* I have the honour to transmit to Your Excellency, for the consideration of your Ministers, copy of a despatch from the Japanese Embassy urging the importance of the adhesion of the Commonwealth of Australia to the Anglo-Japanese Treaty of Commerce and Navigation.

2. I may observe that the adhesion of the Dominion of Canada to the stipulations of the Treaty was notified subject to the conditions:—

- (a) That it was understood that nothing in the Treaty should affect the provisions of the Immigration Act of Canada;
- (b) That Article 8 of the Treaty should be deemed not to apply to the Dominion of Canada; and
- (c) That the Imperial Japanese Government were fully prepared to maintain, and intended to maintain, with equal effectiveness the limitation and control which they have since 1908 exercised in the regulation of emigration from Japan to the Dominion of Canada.

I have, &amp;c.,

L. HARCOURT.

Enclosure in No. 57.

TRANSLATION OF A DESPATCH FROM BARON KATO TO MONSIEUR INOUE, DATED FOREIGN OFFICE, TOKIO, 15TH JANUARY, 1915.

(Confidential.)

As Your Excellency is aware, the trade relations between Australia and Japan have been steadily growing these last years, and, viewed especially in the light of the experience of the months that have elapsed since the outbreak of the present European war, there is every ground for expecting the still marked development in future in this direction. Unfortunately, no treaty relations have ever existed hitherto between [the] two countries. This was found frequently to be the source of inconveniences in the way of the regular development of the trade. Under these circumstances, it is deemed a matter of supreme desirability that an arrangement be arrived at to secure the adhesion of Australia to the Treaty of Commerce and Navigation between Great Britain and Japan. The Imperial Government are not unconscious of the possible reluctance on the part of the Commonwealth to such adhesion, out of the apprehension in connection with emigration question. It, however, being our long-established policy not to send any immigrant to Australia—a policy, indeed, we have consistently followed since several years—the Imperial Government have no hesitation to declare unequivocally that there is no intention whatever on their part to depart from this policy in any way, even in the event of the establishment of treaty relation with the Commonwealth. In this connection, if desired, the Imperial Government are quite prepared to give to the Australian Government appropriate assurance in the similar line to those given to the United States of America and Canada, and they hereby signify their willingness to enter into full and detailed discussion later in regard to these and other points of details.

You are therefore desired to approach Sir Edward Grey at this juncture with the request that he may see his way to use kindly his good offices in a manner that the Government of the Commonwealth, keeping in view the very special cordiality

\* 34143: not printed.

uniting two allied Empires at the present moment, may come to the decision of adhering to the Anglo-Japanese Treaty of Commerce and Navigation, so that the development of trade between Australia and Japan may further be assured.

I have to add that, in view of the fact that the delay provided in the Article 26 of the Treaty of the Commerce and Navigation between Great Britain and Japan for the adhesion thereto of His Britannic Majesty's dominions has already elapsed, it is naturally intended that the proposed adhesion of Australia be effected by means of a special arrangement between the Governments of Tokio and London independently of the said article.

6965

No. 58.

## AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.11 a.m., 12th February, 1916.)

TELEGRAM.

CONFIDENTIAL. With reference to your despatch of 19th March, 1915,\* Confidential, Anglo-Japanese Treaty of Commerce and Navigation, Prime Minister will consult His Majesty's Government on question of adhesion of Australia during his approaching visit.—MUNRO-FERGUSON.

No. 59.

## AUSTRALIA.

## SECRETARIAT NOTE.

THE matter was discussed with Mr. Hughes on his arrival in England by Mr. Bonar Law and Viscount Grey, and the following two telegrams were sent by the latter to Sir C. Greene:—

(14385/S.)

PARAPHRASE OF TELEGRAM SENT TO SIR C. GREENE (TOKIO).

FOREIGN OFFICE, 23rd March, 1916. 8.0 p.m. No. 123.

Your telegram No. 160 (of 21st March).

After consultation with Prime Minister of Australia I have informed Japanese Ambassador that former will be willing to negotiate for adhesion of Australia to our Commercial Treaty with Japan on the following basis:—

Australia must be absolutely assured against Japanese immigration. Despatch to Japanese Ambassador from Baron Kato, of the 15th January, 1915, expresses willingness to give assurance on this point. Particular form in which Australia should be assured can be discussed.

Australia to adhere to provisions which secure to Japan most-favoured-nation commercial tariff. Coasting trade to include trade between Australia and anything south of the equator which is now, or may hereafter become, British territory, and to be reserved to Australia. There are special regulations in Australia for her coasting trade, which in some cases exclude in practice even British vessels.

Japan also reserves her coasting trade, and would no doubt treat as coasting trade any territory that she acquired north of the equator, so there should be no difficulty on this point.

Question was raised by Japanese Ambassador of position of students or traders in Japan upon whom, he said, no restrictions were placed in Canada. He apparently contemplated negotiations with Australia on exactly the same footing as with Canada.

I said discussion I had with Mr. Hughes referred to nothing except tariff, immigration, and coasting trade, and that I had not been aware of any separate point such as that raised by Japanese Ambassador.

Australia did not want trading competition, and that was why she imposed a tariff. I feared there might be difficulties on the point raised by Japanese Ambassador, but I had not discussed it with Mr. Hughes, as I had not been aware of it.

\* No. 57.



## RESOLUTION XIX.: COMMERCIAL TREATIES.

I suggested that Japanese Ambassador should communicate with Japanese Minister for Foreign Affairs, and if negotiations on basis proposed were agreed to by the latter the matter could be discussed with Mr. Hughes further.

(15505/S.)

PARAPHRASE OF TELEGRAM TO SIR C. GREENE (Tokio).

FOREIGN OFFICE, 25th March, 1916. 6.30 p.m. No. 126.

My telegram No. 123 (of 23rd March).

Australia would require to include in coasting trade all British Possessions in the Pacific wherever situated. When Japanese Ambassador receives instructions to discuss the matter I will explain this to him. As I am not sure that I limited my verbal statement to Japanese Ambassador as definitely as in my telegram to you, you need not raise the point now. It is not one to which Japanese are likely to object, unless we were to claim something north of the equator which Japan desires and which did not belong to us before the War.

Copies of these telegrams were sent to Mr. Hughes, who replied as follows:—

(14385/S.)

(Secret.)

DEAR MR. DAVIDSON,

Commonwealth of Australia, Prime Minister,

Hotel Cecil, London, W.C., 5th April, 1916.

WITH reference to the copies of correspondence which you forwarded on the subject of the Australian coasting trade, I am instructed by Mr. Hughes to advise you that nothing he said during the course of his discussion involved support of the proposal to submit Commercial Treaty, except only so far as placing Japan on "favoured nation" basis in any tariff the Commonwealth may make, and his promise began and ended there.

Yours faithfully,

M. SHEPHERD,

Secretary.

J. C. C. Davidson, Esq.,  
The Colonial Office,  
S.W.

The following is an extract from a further telegram communicated to the Foreign Office by the Japanese Ambassador:—

(18029/S.)

PARAPHRASE OF TELEGRAM FROM BARON ISHII, DATED TOKIO, 8TH APRIL, 1916.

WITH regard to the conversations you have had with Sir Edward Grey on the under-mentioned subjects, you are hereby instructed as follows:—

\* \* \* \* \*

(2) On the subject of the adhesion of Australia to the Anglo-Japanese Treaty.

In regard to the assurances desired by the Australian Prime Minister:—

(a) Relating to the question of immigration, you report that an assurance satisfactory to the Australian Government is desired by him in spite of the known intention that the Imperial Government are ready to give a similar assurance to that given to Canada. I would gather from this that the Prime Minister is desirous of being furnished with an assurance of a different character from that given to Canada. If that is the case, you will ascertain what is to be the nature of the assurance required.

As to the questions relating to (b) the coasting trade and (c) the most favoured treatment respecting tariff. As Article 7 and Article 21 of the Anglo-Japanese Treaty contain express provisions in regard to these matters, these provisions will become operative upon the adhesion of Australia. You should therefore inquire whether Mr. Hughes considers these stipulations inadequate, and wishes to get some special assurances from us.

(d) We have no objection to the arrangement that Australia's adhesion to the Anglo-Japanese Treaty should be made subject to the approval of the Commonwealth Parliament.

The matter was discussed again between Mr. Hughes and Viscount Grey before the former returned to Australia, but no results of the discussion are on record, though it is understood that Mr. Hughes did not show any intention to move in the direction of applying the Japanese Treaty to Australia (see 18029/16).

## RESOLUTION XIX.: COMMERCIAL TREATIES.

## Portugal.

3765

No. 60.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 25th January, 1915.)

(No. 5.)

SIR,

Government House, St. John's, 11th January, 1915.

I HAVE the honour to acknowledge your despatch No. 414, of the 20th November last,\* in which you request me to inform my Ministers that a treaty of commerce and navigation has been concluded with the Portuguese Republic.

2. My Ministers desire me to express to you their gratification at the conclusion of the treaty, which will place the imports into Portugal from this Colony on the same favourable terms which have been enjoyed by importers of fish from Norway and from Germany. And they expressly request me to convey the expression of their gratitude to His Majesty's Government.

3. It is the desire of my Ministers that the provisions of the treaty may be extended, under Article 21 thereof, to the Colony of Newfoundland.

I have, &amp;c.,

W. E. DAVIDSON.

3765

No. 61.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 62.]

SIR,

Downing Street, 4th February, 1915.

WITH reference to your letter of the 1st October last,† I am directed by Mr. Secretary Harcourt to transmit to you, for the consideration of Secretary Sir Edward Grey, a copy of a despatch‡ from the Governor of Newfoundland, stating that his Ministers desire that the provisions of the Anglo-Portuguese Commercial Treaty may be extended to Newfoundland.

I am, &amp;c.,

HENRY LAMBERT,  
for the Under-Secretary of State.

9644

No. 62.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 27th February, 1915.)

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copies of a despatch to His Majesty's Minister, Lisbon, dated 25th February, 1915, on the subject of the Anglo-Portuguese Commercial Treaty.

Foreign Office,

26th February, 1915.

Reference to previous correspondence: Letter to Foreign Office, 3765/15, of 4th February, 1915.§

\* No. 126 in Dominions No. 51.

† 37647: not printed.

‡ No. 60.

§ No. 61.



Enclosure in No. 62.

(No. 11. Commercial.)

SIR, Foreign Office, 25th February, 1915.  
I TRANSMIT to you herewith a copy of a letter from the Colonial Office, relative to the desire of the Government of Newfoundland to accede to the recently concluded Anglo-Portuguese Treaty of Commerce and Navigation, in accordance with the procedure indicated in Article 21 of that instrument.

I request that you will notify to the Portuguese Government the accession of the Colony of Newfoundland immediately after the exchange of ratification forwarded to you with my despatch in the Treaty series No. 6 of the 28th ultimo.

I am, &c.,  
E. GREY.

The Honourable  
L. D. Carnegie, M.V.O.,  
&c., &c., &c.

14953

No. 63.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 31st March, 1915.)

[Copies to Board of Trade and Foreign Office, 15th April, 1915. L.F.]

(No. 31.)

SIR, Wellington, 18th February, 1915.  
WITH reference to your despatch No. 522, of the 20th November, 1914,\* enclosing copies of the treaty of commerce and navigation which has been concluded between His Majesty's Government and the Portuguese Republic, and inquiring as to the wishes of my Government in regard to the application of the treaty to this Dominion, I have the honour to inform you, by request of the Prime Minister, that, after careful consideration, and having regard to the comparatively slight commercial relations with Portugal, the Government has decided not to adhere to the treaty.

I have, &c.,  
LIVERPOOL,  
Governor.

27015

No. 64

NEWFOUNDLAND.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 8th June, 1916.)

[Answered by No. 68.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Secretary of State, transmits herewith copy of a despatch from His Majesty's Minister at Lisbon on the subject of the Anglo-Portuguese Commercial Treaty.

Foreign Office,  
7th June, 1916.

Reference to previous correspondence: Letter from Foreign Office of 2nd June.†

(Similar letter sent to Board of Trade.)

\* No. 126 in Dominions No. 51.

† Not printed.

Enclosure in No. 64.

(No. 115. Commercial.)

SIR, Lisbon, 21st May, 1916.  
I HAVE the honour to report that, in accordance with the instructions in your despatch No. 11, Commercial, of 25th February, 1915, confirmed by your telegram No. 269 of yesterday's date, I have notified to the Portuguese Government the accession of the Colony of Newfoundland to the Anglo-Portuguese Treaty of Commerce ratified yesterday.

I have, &c.,  
LANCELOT D. CARNEGIE.

The Right Honourable  
Sir Edward Grey, Bart., K.G.,  
&c., &c., &c.

29282

No. 65.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 66 and 71.]

(Canada. No. 638.)  
(Commonwealth of Australia. No. 564.)  
(New Zealand. No. 454.)  
(Union of South Africa. No. 684.)  
(Newfoundland. No. 394.)

[SIR,] [MY LORD,] Downing Street, 21st June, 1916.  
WITH reference to my predecessor's despatch No. [999,] [755,] [578,] [679,] [466], of 18th December, 1914,\* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a copy of a despatch from His Majesty's Minister at Lisbon relative to the ratification of the Anglo-Portuguese Commercial Treaty, 1914. The Bill referred to by His Majesty's Minister is now before Parliament.

[Newfoundland only: 2. I have also to enclose a copy of a despatch† from His Majesty's Minister at Lisbon, reporting that the accession of Newfoundland to the Treaty has been notified to the Portuguese Government.]

I have, &c.,  
A. BONAR LAW.

Enclosure in No. 65.

(No. 114. Commercial.)

SIR, Lisbon, 20th May, 1916.  
As reported already by my telegram No. 192, I have the honour to inform you that, in accordance with the authorization contained in your telegram No. 264 of yesterday's date, I exchanged to-day with the Minister for Foreign Affairs the ratifications of the Commercial Treaty between Great Britain and Portugal signed on the 12th of August, 1914.

I enclose copies of the certificate of exchange in English and Portuguese, to which is appended a declaration drawn up in the sense of the Bill relative to Article VI. of the treaty, copy of which accompanied your despatch No. 141, Commercial, of the 4th instant (83400/C), together with a provision that the treaty shall not come into force until the sanction of the British Parliament for this declaration has been obtained. As the declaration and provision appear to me accurately to embody the views and intentions of His Majesty's Government, I trust that I shall have your approval in having signed them.

The Portuguese ratification and the certificate of exchange and declaration will be sent by the next bag.

\* No. 127 in Dominions No. 51.

† Enclosure in No. 64.



I again reminded the Minister for Foreign Affairs of my request for copies of the forms of certificate to be issued by the Portuguese authorities called for in your above-mentioned despatch, and he promised to let me have them at an early date.

I have, &c.,  
LANCELOT D. CARNEGIE.

The Right Honourable  
Sir Edward Grey, Bart., K.G.,  
&c., &c., &c.

THE undersigned, having met together in order to proceed to the exchange of the ratifications of His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India, and His Excellency the President of the Portuguese Republic, of the Treaty of Commerce and Navigation between Great Britain and Portugal, signed at Lisbon on the 12th of August, 1914, and having produced the instruments of these ratifications, which were found in order, to correspond, and drawn up in good and due form, made the following declaration, which is hereby recorded in the present Act with the same force as if it were annexed to the text of the treaty.

As soon as the Treaty of Commerce and Navigation between Great Britain and Portugal, signed at Lisbon on the 12th of August, 1914, enters into force, the description "port" applied to wine the produce of Portugal imported into the United Kingdom shall be deemed to be a false description, for the purposes mentioned in Article VI. of the said treaty, if the wine is not accompanied by a certificate issued by the competent Portuguese authorities guaranteeing that, according to the terms of Portuguese law, the said description may be applied thereto.

This treaty shall not come into force until the sanction of the British Parliament for this declaration has been obtained.

In witness whereof the undersigned have drawn up the present Act, which they have signed in duplicate and affixed thereto their respective seals.

Done at Lisbon this 20th day of May, 1916.

(L.S.) LANCELOT D. CARNEGIE,  
Envoy Extraordinary and Minister  
Plenipotentiary.

(L.S.) AUGUSTO LUIZ VIEIRA SOARES,  
Ministro dos Negocios Estrangeiros.

39635

No. 66.

NEWFOUNDLAND.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 21st August, 1916.)

(No. 150.)

SIR, Government House, St. John's, 9th August, 1916.  
I HAVE the honour to acknowledge receipt of your despatch No. 394, of the 21st June,\* on the subject of the ratification of the Anglo-Portuguese Commercial Treaty, 1914.

2. In previous correspondence I have pressed for the reduction of the import duty on salt fish from Newfoundland to the level at which salt fish was admitted from Norway and Germany. In this connexion I annex copy of a letter under

\* No. 65.

date 3rd August from the Secretary of the Newfoundland Board of Trade, intimating that there has been no change in the tariff on dry fish imported into Portugal from this Colony. The letter also gives statistics regarding the export of fish to Portugal for the last five years.

3. At one time my Ministers proposed that the import duty into Newfoundland of Portuguese wines—port and madeira—should be reduced from \$1.80 to \$1 per gallon. But this proposal is now rendered nugatory by the recent decision whereby the importation into this Colony of all alcoholic beverages is prohibited from the 1st of January, 1917.

I have, &c.,  
W. E. DAVIDSON.

Enclosure in No. 66.

SIR, Newfoundland Board of Trade, St. John's, 3rd August, 1916.  
I BEG to acknowledge yours of 26th July referring to the change in tariff on dried fish imported into Portugal from Newfoundland. I have made inquiries, and find that there has been no change in the tariff as yet. The duty is still 39 reis per kilo, or about 8s. 11d. sterling per quintal, as it has been for many years.

The export of fish to Portugal from the Colony in the last five years is as follows:—

1911-12	...	...	...	206,206 quintals.
1912-13	...	...	...	203,989 "
1913-14	...	...	...	153,023 "
1914-15	...	...	...	151,580 "
1915-16	...	...	...	309,468 "

The main reason of the increase during the past year is the result of the small imports from Norway. There has been no Norwegian fish in Oporto since last March.

The Council trust that the provisions of the Anglo-Portuguese Commercial Treaty Act, 1914, under Article 21, may soon be extended to this Colony.

I am, &c.,  
ERNEST A. PAYN,  
Secretary-Treasurer.

Arthur Mews, Esq.,  
Deputy Colonial Secretary.

41149

No. 67.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 1015.)  
(Commonwealth of Australia. No. 881.)  
(New Zealand. No. 710.)  
(Union of South Africa. No. 1019.)  
(Newfoundland. No. 626.)

[SIR,] [MY LORD,] Downing Street, 7th September, 1916.  
WITH reference to my despatch No. [638,] [564,] [454,] [684,] [394,] of the 21st June,\* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, copies of an Act† to amend the Anglo-Portuguese Commercial Treaty Act, 1914.

I have, &c.,  
A. BONAR LAW.

\* No. 65.

† 6 and 7 Geo. 5, ch. 39.



39635

No. 68.

NEWFOUNDLAND.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 69.]

SIR, Downing Street, 9th September, 1916.  
 WITH reference to your letter of the 7th June,\* I am directed by Mr. Secretary Bonar Law to transmit to you, for the consideration of Viscount Grey, a copy of a despatch† from the Governor of Newfoundland respecting the extension of the provisions of the Anglo-Portuguese Commercial Treaty to Newfoundland.

I am, &amp;c.,

HENRY LAMBERT.

44336

No. 69.

NEWFOUNDLAND.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 16th September, 1916.)

[Answered by L.F. transmitting copy of No. 70.]

SIR, Foreign Office, 15th September, 1916.  
 I AM directed by Viscount Grey to acknowledge the receipt of your letter No. 39635/1916, of the 9th instant,‡ transmitting a copy of a despatch from the Governor of Newfoundland relative to the extension of the provisions of the Anglo-Portuguese Commercial Treaty to Newfoundland.

I am to point out that no reduction in the tax on the import of fish from Newfoundland into Portugal has yet taken place, owing to the fact that the treaty has not yet come into force. 23rd September is the date fixed for the coming into force of the treaty, and Newfoundland fish will therefore receive from that date most favoured nation treatment.

I am, &amp;c.,

W. LANGLEY.

44336

No. 70.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Copy to Foreign Office, 28th September, 1916. L.F.]

(No. 674.)

SIR, Downing Street, 27th September, 1916.  
 I HAVE the honour to acknowledge the receipt of your despatch No. 150, of the 9th of August,† relative to the extension of the provisions of the Anglo-Portuguese Commercial Treaty to Newfoundland, and to state, for the information of your Ministers, that the treaty did not come into force until the 23rd of September, but that Newfoundland fish will receive most favoured nation treatment from that date.

I have, &amp;c.,

A. BONAR LAW.

\* No. 64.

† No. 66.

‡ No. 68.

62159

No. 71.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th December, 1916.)

(No. 734.)

SIR, Government House, Ottawa, 13th December, 1916.  
 WITH reference to your despatch No. 638, of the 21st June,\* regarding the ratification of the Anglo-Portuguese Commercial Treaty, I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada notifying adhesion on the part of Canada to this treaty.

I have, &amp;c.,

DEVONSHIRE.

Enclosure in No. 71.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 7TH DECEMBER, 1916.

THE Committee of the Privy Council have had before them a report, dated 2nd December, 1916, from Sir George E. Foster, for the Secretary of State for External Affairs, to whom was referred a despatch from the Right Honourable the Secretary of State for the Colonies, dated 21st June, 1916, relative to the ratification of the Anglo-Portuguese Commercial Treaty.

THE Minister observes that Article 21 provides that the provisions of the treaty shall extend to any of the Dominions, Colonies, Possessions, or Protectorates of either of the contracting parties if notice of adherence thereto be given before the expiration of one year from the date of the exchange of the ratification of the said treaty.

THE Minister, therefore, with the concurrence of the Minister of Trade and Commerce, recommends that notice of adhesion upon the part of Canada be duly given so that Canada may obtain the benefit of the Conventional Tariff of Portugal, in return for which Canada will grant to Portugal the intermediate tariff upon the articles mentioned in the Franco-Canadian Convention, as provided under Section (c) of Article 4 of the Canadian Customs Tariff, 1907.

THE Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Excellency may be pleased to forward a copy hereof to the Right Honourable the Secretary of State for the Colonies.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,

Clerk of the Privy Council.

Russia.

16925

No. 72.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 13th April, 1915.)

[Copy to Board of Trade and India Office, 24th May, 1915. L.F.F.]

[Answered by No. 73.]

SIR,

Foreign Office, 12th April, 1915.  
 I AM directed by Secretary Sir E. Grey to state that he considers that it would be advantageous to utilize the present political conditions to resume negotiations with the Russian Government for the revision of the Anglo-Russian Commercial Treaty of 1859.

He would, therefore, be glad to learn whether Mr. Secretary Harcourt is disposed to concur in the terms of the draft protocol enclosed in the Foreign Office letter of 15th June last.†

I am, &amp;c.,

A. LAW.

\* No. 65.

† No. 132 in Dominions No. 51.



16925

No. 73.

## COLONIAL OFFICE to FOREIGN OFFICE.

[Copy to Board of Trade and India Office, 24th May, 1915. L.F.]

[Answered by No. 74.]

SIR, Downing Street, 20th May, 1915.  
I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 12th April,\* relative to the proposed revision of the Anglo-Russian Commercial Treaty of 1859.

2. Your previous letter on the subject, of the 15th June, 1914,† was still under consideration at the outbreak of war, and the matter was then allowed to stand over as it was supposed that the negotiations with the Russian Government would remain in abeyance during hostilities. As, however, it is considered advantageous to proceed with the matter, Mr. Harcourt submits the following observations for Sir E. Grey's consideration:—

3. It is noticed that Sir E. Grey is of the opinion that the Law Officers of the Crown would hold that, as a strict matter of interpretation, rights conferred on British vessels as such by a treaty, whether the treaty applies geographically to the whole Empire or only to a portion of the Empire, extend to all British vessels and not only to those deemed to be connected (by whatever test) with that portion of the Empire to which the treaty applies geographically. In the view, therefore, of Sir E. Grey, as in the view of Mr. Harcourt, the Russian Government are not correct in supposing that, should the treaty of 1859 cease to apply to a Self-governing Dominion, "the vessels of the Dominion in question" would automatically cease to be entitled to the benefits conferred by the treaty on British vessels generally. There is thus no difference of opinion between Sir E. Grey and Mr. Harcourt which requires a reference to the Law Officers of the Crown.

4. There remain the political considerations urged in your letter of the 15th June, 1914.† Mr. Harcourt cannot help feeling that that letter would have been very differently worded had it been written at the present juncture. He presumes that Sir E. Grey will no longer wish that the question should be discussed on the footing that the Dominions are likely to act irresponsibly in matters affecting the general relations of the Empire with foreign Powers, but will concur in the view that, so long as it is expected that the Dominions should accept the exercise of the general control of such relations by His Majesty's Government on the assumption that the control will be exercised wisely and prudently, His Majesty's Government must act on a similar assumption in regard to the exercise by the Dominions of the powers entrusted to them.

5. The Russian Government have propounded a certain view of what the effect of the proposals of His Majesty's Government would be in the event of a Dominion Government deciding to act under them. Mr. Harcourt does not see how it is possible to avoid a discussion of the question with the Russian Government. The terms of M. Sazonoff's note of 17/30 December, 1912,‡ are such that it is clear that, if the view of the Russian Government is left unchallenged, they will suppose that it is accepted by His Majesty's Government. The draft protocol enclosed in your letter of the 15th June, 1914,† cannot be submitted to the Russian Government without the consent of the Dominion Governments, because if it is accepted it will modify, by way of the imposition of additional obligations and otherwise, a treaty already binding on the Dominions. No submission of the protocol can be made to the Dominions without explaining the views of His Majesty's Government on the points raised by the Russian Government. The Dominion Governments cannot be asked to accept the views of the Russian Government as to the effect of the proposals of His Majesty's Government in regard to vessels on any of the grounds set out in your letter of the 14th June, 1914. In any case, most of the arguments there advanced in favour of accepting the view of the Russian Government in this respect could equally well be advanced in favour of their view that if the treaty ceased to be applicable to a Dominion the "citizens" of that Dominion would cease to be entitled to the benefits

\* No. 72.

† No. 132 in Dominions No. 51.

‡ See enclosure 1 in No. 361 in Dominions No. 45.

conferred by the treaty on British subjects generally. It is, however, the settled policy of His Majesty's Government that no such contention in regard to subjects can be admitted.

6. In these circumstances the only course open to His Majesty's Government is, in Mr. Harcourt's opinion, to lay before the Dominion Governments M. Sazonoff's note of 17/30 December, 1912,\* together with a draft reply (a) explaining why His Majesty's Government are unable to accept the views of the Russian Government as regards the position of subjects and vessels, and (b) submitting the draft protocol enclosed in your letter of the 15th June, 1914,† and to invite their concurrence in the terms of the draft protocol.

7. Mr. Harcourt would have no objection to asking the Dominion Governments to accept as a compromise, if necessary, the insertion in the protocol of a formal stipulation that British vessels registered in a Dominion should not be entitled to the benefits of the treaty if the treaty ceased to apply to that Dominion. The insertion of a formal stipulation of such a character would imply that, in the absence of such a stipulation, the contrary would be the case, and its acceptance would, therefore, not derogate from the principle which Mr. Harcourt is anxious to see asserted.

8. The alternative plan suggested in your letter, of confining the power of terminating the treaty in respect of the Dominions to the purely commercial articles of the treaty does not seem to be feasible. In the case of Switzerland the question did not arise of the distinction between stipulations relating to commerce and stipulations relating to navigation. Moreover, it does not appear that there is any prospect of obtaining the consent of the Dominion Governments to the draft protocol unless it provides for the termination in respect of the Dominions of the whole treaty. Mr. Harcourt trusts that it may be carefully borne in mind that the draft protocol cannot in any event be submitted to the Russian Government except with the concurrence of the Dominion Governments.

9. Copies of this letter are being sent to the Board of Trade and the India Office.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

31304

No. 74.

## FOREIGN OFFICE to COLONIAL OFFICE.

(Received 9th July, 1915.)

[Answered by No. 75.]

SIR,

Foreign Office, 8th July, 1915.

WITH reference to your letter 16925/1915,‡ of 20th May last, relative to the proposed revision of the Anglo-Russian Commercial Treaty of 1859, I am directed by the Secretary of State for Foreign Affairs to inform you that, after consultation with the Board of Trade, he considers that the best solution of the difficulty which has arisen will be the adoption of the proposal contained in Section 7 of your above-mentioned letter, viz., to insert in the draft protocol a formal stipulation that British vessels registered in a Dominion should not be entitled to the benefits of the treaty if the latter ceases to apply to that Dominion.

The most appropriate place for the insertion of such a stipulation would seem to be in Section 5 of the draft protocol, immediately after the list of Dominions; and I am to transmit to you herewith a copy of the protocol amended accordingly.

The Secretary of State presumes that Mr. Secretary Bonar Law will now communicate the draft protocol to the various Dominion Governments and invite their concurrence therein. It seems unnecessary to acquaint the Dominion Governments with the difference of opinion which has arisen in this connexion, and the Secretary of State suggests, for Mr. Bonar Law's consideration, that all reference thereto be carefully avoided.

I am, &c.,  
A. LAW.

\* See enclosure 1 in No. 361 in Dominions No. 45.

† No. 132 in Dominions No. 51.

‡ No. 73.



Enclosure in No. 74.

## DRAFT ANGLO-RUSSIAN PROTOCOL.

WHEREAS it is desirable to amend in certain respects the Commercial Treaty between the United Kingdom and Russia of the 31st December, 1858/12th January, 1859, the Government of His Britannic Majesty and the Imperial Russian Government have agreed as follows:—

1. The following clause shall be added to Article V. of the treaty:—

Each of the contracting parties shall permit the carriage of passengers from or to their respective territories on board the vessels of the other, and such vessels and their passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their passengers.

2. Article VIII. of the treaty shall be replaced by the following article:—

"The provisions of this treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade, in respect of which the subjects and vessels of the contracting parties shall enjoy most-favoured-nation treatment.

"British and Russian vessels may nevertheless proceed from one port to another, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

"It is also understood that, in the event of the coasting trade of either country being exclusively reserved to national vessels, the vessels of the other country, if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the former country of passengers holding through tickets or of merchandise consigned on through bills of lading to or from places not within the above-mentioned limits, and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this treaty."

3. Clause 2 of the additional Article 2 of the treaty shall be replaced by the following clauses:—

(2) Exemptions or advantages in the matter of import or export duties which are or may be granted (a) in favour of the inhabitants of Archangel or of the northern or eastern littoral of Asiatic Russia (Siberia); or (b) for the purpose of facilitating frontier traffic along the land frontier of either of the contracting States in respect of goods which both originate, and are destined for consumption, within a zone extending 15 kilometres on each side of the frontier; or (c) in favour of the natural products of Asiatic countries conterminous with the territories and protectorates of either of the contracting States, when imported overland; so long as no such exemptions or advantages are extended to goods the produce of, or imported from, the territories of any other foreign State.

4. The above articles shall have the same force, application, and duration as if they were inserted word for word in the treaty of the 31st December, 1858/12th January, 1859.

5. Either of the contracting parties shall have the right to terminate the treaty, as amended by the foregoing articles, with respect to any or all of the following portions of His Britannic Majesty's Dominions, at any time on giving twelve months' notice to that effect, viz.:—

The Empire of India,  
The Dominion of Canada,  
The Commonwealth of Australia,  
The Dominion of New Zealand,  
The Union of South Africa,  
and  
Newfoundland.

It is agreed that British vessels registered in one of His Majesty's self-governing Dominions shall not be entitled to the benefits of this treaty if the treaty ceases to apply to that Dominion.

It is further agreed that, should the said treaty cease, in pursuance of this protocol, to be applicable to the Commonwealth of Australia, it shall also cease to be applicable to Papua and Norfolk Island if so desired by either of the contracting parties.

In witness whereof the undersigned have signed the present Declaration in duplicate and have affixed thereto their seals.

Done, etc.

31304

No. 75.

## COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 76.]

SIR,

Downing Street, 2nd August, 1915.

I AM directed by Mr. Secretary Bonar Law to acknowledge the receipt of your letter of the 8th July,\* with reference to the proposed revision of the Anglo-Russian Treaty of 1859.

2. I am to enclose the draft of a despatch† which, with Sir E. Grey's concurrence, Mr. Bonar Law proposes to send to the Governments of the self-governing Dominions. In accordance with Sir E. Grey's wishes all reference to the difference of opinion which has arisen has been omitted.

3. It appears to Mr. Bonar Law, however, that it is essential to explain to the Dominion Governments which of the rights existing under the present Russian treaty it seems necessary to give up if the right of withdrawal from that treaty is conceded by Russia. He fears that in the absence of such explanation the Dominion Governments might concur in the further draft protocol, and ultimately, perhaps, withdraw from the existing treaty, without realizing precisely what concurrence and withdrawal involved.

Small verbal alterations have been made in Clauses 1 and 5 of the draft protocol.

I am, &amp;c.,

HENRY LAMBERT,  
for the Under-Secretary of State.

36274

No. 76.

## FOREIGN OFFICE to COLONIAL OFFICE.

(Received 7th August, 1915.)

SIR,

Foreign Office, 6th August, 1915.

WITH reference to your letter of the 2nd instant (31304/1915),‡ respecting the proposed revision of the Anglo-Russian Treaty of 1859, I am directed by Secretary Sir E. Grey to inform you that he concurs in the terms of the draft of the despatch which it is intended to send to the Governments of the Self-governing Dominions, copy of which was enclosed in your letter under reply.

I am, &amp;c.,

A. LAW

\* No. 74.

† For draft as sent see No. 77.

‡ No. 75.



31304

No. 77.

## THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Copy to Foreign Office, 13th August, 1915. L.F.]

[Answered by Nos. 78, 79, 80, 81, and 82.]

(Canada. Confidential.)

(Commonwealth of Australia. Confidential.)

(New Zealand. Confidential.)

(Union of South Africa. Confidential (2).)

(Newfoundland. Confidential.)

[SIR,] [MY LORD,]

Downing Street, 12th August, 1915.

In his despatch No. [885a,] [477a,] [588a,] [373a,] [249a,]\* of 1st November, 1911, my predecessor enclosed, amongst other papers, a copy of a despatch addressed to His Majesty's representative in Russia with reference to the securing of liberty for the self-governing Dominions to withdraw from the Anglo-Russian Treaty of 12th January, 1859.

2. I now enclose a copy of a despatch† from His Majesty's Ambassador at Petrograd, forwarding a Note from the Russian Government, in which they comment on the proposals suggested by His Majesty's Government and put forward the counter-draft of a declaration which they suggest should be signed by the two Governments.

The consideration of this Note has been unavoidably delayed, largely on account of the war, but His Majesty's Government have now had an opportunity of carefully examining its terms, and they feel that the present political conditions render it desirable that the negotiations should be resumed.

3. His Majesty's Government are, however, unable to accept, as they stand, the Russian counter-proposals. It will be clear, from perusal of M. Sazonoff's Note of 17th/30th December, 1912,† that they are open to the following objections:—

First, they involve the principle that if the treaty ceases to apply to any of the self-governing Dominions the treaty shall cease to apply to British subjects in that Dominion. This principle is contrary to the policy maintained by His Majesty's Government as explained in the papers relating to the Swiss treaty which accompanied my predecessor's Confidential despatch No. 2 of the 26th May, 1913.‡

Secondly, they involve the principle that if the treaty ceases to apply to any of the self-governing Dominions the treaty shall cease to apply to ships belonging to that Dominion. This principle has not hitherto been discussed in the same way, but His Majesty's Government hold that when a treaty confers rights on British vessels in general all British vessels are entitled to these rights, whatever may be the geographical scope of the treaty, unless any classes of vessels are specially excepted.

Thirdly, they run counter to the principle that the grant of preference by one part of the Empire to another is a purely domestic arrangement, and neither involves any derogation from, nor can be brought into the purview of, most-favoured-nation stipulations. As Ministers are aware, this question was the cause of a tariff war between Canada and Germany, which was settled by the acquiescence of Germany in the British claim.

4. For the above reasons His Majesty's Government have felt that it is necessary to prepare a further draft protocol§ for discussion with the Russian Government, and such a draft is enclosed herewith.

Your Ministers will, however, observe that, whilst maintaining the views of His Majesty's Government on the first and third points mentioned in the previous paragraph of this despatch, the draft sets out that British vessels registered in one of the self-governing Dominions shall not be entitled to the benefits of the treaty if it ceases to apply to that Dominion. In Sir E. Grey's opinion it would be very difficult,

\* See Dominions No. 39, p. 148. † See No. 361 in Dominions No. 45.

‡ No. 408 in Dominions No. 45. § Enclosure in No. 74.

as a matter of policy, to claim that if a Dominion withdraws from the treaty its ships should nevertheless be allowed to claim the same privileges as other British ships. The place of registration is suggested as providing a simple local test.

5. I may add that Clauses 1 and 2 of the further draft protocol have been added to meet the wishes of the Board of Trade, and that Clause 3 has been modified to some extent from the original Russian proposal after consultation with the Government of India.

6. I shall be obliged if [Your Royal Highness] [Your Excellency] [you] will lay the correspondence before your Ministers and if you will inform me in due course whether they agree in the terms of the draft protocol which it is proposed to place before the Russian Government.

I have, &amp;c.,

A. BONAR LAW.

46560

No. 78.

## UNION OF SOUTH AFRICA.

## THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8th October, 1915.)

[Copy to Foreign Office, 15th October, 1915. L.F.]

[Answered by No. 85.]

(Confidential (2).)

SIR,

Governor-General's Office, Pretoria, 16th September, 1915.

I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential (2), of the 12th August,\* copy of a minute from Ministers on the subject of the Anglo-Russian Commercial Treaty.

I have, &amp;c.,

BUXTON,

Governor-General.

Enclosure in No. 78.

Prime Minister's Office, Pretoria, 14th September, 1915.

(Minute No. 1206.)

MINISTERS have the honour to acknowledge the receipt of His Excellency the Governor-General's minute No. 62/750 of the 8th instant, relative to the securing of liberty for the Self-governing Dominions to withdraw from the Anglo-Russian Treaty of the 12th January, 1859, and in reply Ministers have the honour to inform His Excellency that, after carefully perusing the draft Protocol which His Majesty's Government propose to place before the Russian Government, Ministers see no reason why they should not agree to the terms thereof.

F. WATT.

48362

No. 79.

## NEWFOUNDLAND.

## THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 20th October, 1915.)

[Copy to Foreign Office, 26th October, 1915. L.F.]

[Answered by No. 85.]

(Confidential.)

SIR,

Government House, St. John's, 29th September, 1915.

WITH reference to your despatch Confidential, of the 12th August,\* in relation to the Anglo-Russian Treaty of 12th January, 1859, I have the honour to inform you that my Ministers concur in the terms of the draft protocol which it is proposed to place before the Russian Government.

I have, &amp;c.,

W. E. DAVIDSON.



53781

No. 80.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th November, 1915.)

[Copy to Foreign Office, 24th November, 1915. L.F.]

[Answered by No. 85.]

(Confidential.)

SIR, Government House, Ottawa, 8th November, 1915.

WITH reference to your Confidential despatch of the 12th August,\* enclosing a copy of a despatch from His Majesty's Ambassador at Petrograd, forwarding a note from the Russian Government on the subject of the Anglo-Russian Treaty of Commerce and Navigation of the 12th January, 1859, I have the honour to transmit herewith copies of an approved minute of the Privy Council for Canada, setting forth the views of my responsible advisers.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 80.

(P.C. 2242.)

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 30TH OCTOBER, 1915.

THE Committee of the Privy Council have had before them a report, dated 16th September, 1915, from the Secretary of State for External Affairs, submitting that he has had under consideration a Confidential despatch, addressed to the Governor-General by the Secretary of State for the Colonies, dated 12th August, 1915, enclosing copy of a despatch from His Majesty's Ambassador at Petrograd, forwarding a note from the Russian Government in which the proposals put forward by His Majesty's Government with reference to the securing of liberty for the Self-governing Dominions to withdraw from the Anglo-Russian Treaty of Commerce and Navigation of 12th January, 1859—copy of which is herewith submitted—are discussed, and a counter draft declaration enclosed which it is suggested should be signed by the two Governments.

The Minister observes that Mr. Bonar Law states that His Majesty's Government are unable to accept the Russian counter-proposals, for the three reasons set forth in his despatch under consideration.

A draft protocol, therefore, has been prepared for submission to the Russian Government, copy of which is submitted herewith, and the Canadian Government are asked whether they will agree to its terms.

From this draft protocol it will be observed that His Majesty's Government maintain their views with regard to the first and third of the said reasons cited by Mr. Law, but as to the second they express the opinion that it would be very difficult, as a matter of policy, to claim that if a Dominion withdraws from the treaty its ships should, nevertheless, be allowed the same privileges as other British ships.

The Minister agrees in this opinion, and, with the concurrence of the Ministers of Trade and Commerce and Marine and Fisheries, recommends that the Canadian Government express acquiescence in the terms of the said draft protocol.

The Committee concur in the foregoing, and, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that the Right Honourable the Secretary of State for the Colonies be informed that the Canadian Government acquiesce in the terms of the draft protocol which it is proposed to place before the Russian Government.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

\* No. 77.

5015

No. 81.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st February, 1916.)

[Copy to Foreign Office, 7th February, 1916. L.F.]

[Answered by No. 85.]

(Confidential.)

SIR, Government House, Wellington, 22nd December, 1915.

I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 12th August last,\* on the subject of the Anglo-Russian Treaty of 1859.

2. In reply to the inquiry made in the concluding paragraph of your despatch, my Ministers desire me to inform you that they concur in the terms of the draft protocol which His Majesty's Government propose to place before the Russian Government, and of which a copy was enclosed in your despatch under reply.

I have, &amp;c.,

LIVERPOOL,  
Governor.

33019

No. 82.

AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.5 p.m., 12th July, 1916.)

TELEGRAM.

[Answered by No. 85.]

ANGLO-RUSSIAN Treaty, 1859, no alteration desired by Government of Commonwealth of Australia terms draft protocol accompanying your despatch 12th August, 1915,\* but consider insuperable objections Commonwealth remaining party to treaty. Desired accordingly that as soon as protocol signed and brought into effect, His Majesty's Government will give Government of Russia behalf Commonwealth and territories, Papua, Norfolk Island, necessary notice intention withdraw therefrom.

—FERGUSON.

33019

No. 83.

AUSTRALIA.

COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 84.]

SIR,

Downing Street, 17th July, 1916.

WITH reference to the letter from this Department of the 7th of February,† I am directed by Mr. Secretary Bonar Law to transmit to you, to be laid before Secretary Sir E. Grey, a copy of a telegram‡ from the Governor-General of the Commonwealth of Australia, on the subject of the proposed revision of the Anglo-Russian Treaty of 1859.

2. Mr. Bonar Law would be glad to see the draft of the note which, he presumes, will now be sent to the Russian Government regarding the proposed protocol.

I am, &amp;c.,

HENRY LAMBERT.

\* No. 77.

† L.F. transmitting a copy of No. 81.

‡ No. 82.



35203

No. 84.

AUSTRALIA.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 26th July, 1916.)

[Answered by No. 86.]

SIR,

Foreign Office, 25th July, 1916.

WITH reference to your letter No. 33019/1916, of the 17th instant,\* relative to the proposed revision of the Anglo-Russian Commercial Treaty of 1859, I am directed by Secretary Sir E. Grey to state that it might be expedient not to submit the proposed protocol to the Russian Government until after the end of the War.

I am to point out that the conclusions reached at the Economic Conference recently held at Paris have introduced a new factor into the situation, which may lead to considerable changes in the commercial policy of all the Allies. In these circumstances Sir E. Grey is disposed to think that, instead of submitting the draft protocol separately for the approval of the Russian Government, it would perhaps be well to suspend action until it can be more clearly seen what policy will be pursued by the British Empire in regard to commercial matters generally. He would be glad to learn whether Mr. Secretary Bonar Law concurs in this view.

I am, &amp;c.,

A. LAW.

35203

No. 85.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 87, 88, 89, and 90]

(Canada. Confidential.)

(Commonwealth. Confidential (3).)

(New Zealand. Confidential (4).)

(Union of South Africa. Confidential.)

(Newfoundland. Confidential.)

[SIR,] [MY LORD,]

Downing Street, 8th August, 1916.

WITH reference to my Confidential despatch [To Union of South Africa: despatch Confidential No. 2,] of the 12th August, 1915,† and to your Confidential despatch of the [8th November,] [22nd December,] [29th September,] [To Union of South Africa: despatch Confidential No. 2, of the 16th September,] [To Commonwealth: your telegram of the 12th of July,‡] I have the honour to request [Your Royal Highness] [Your Excellency] [you] to inform your Ministers that all the Governments of the self-governing Dominions have now expressed their concurrence in the draft of the proposed protocol amending the Anglo-Russian Treaty of 1859, but that, as the result of further consideration, the Secretary of State for Foreign Affairs thinks that it would be preferable not to submit the draft to the Russian Government until after the end of the War.

2. Viscount Grey points out that the conclusions reached at the Economic Conference of the Allies at Paris have introduced a new factor into the situation which may lead to considerable changes in the commercial policy of all the Allies. It would seem advisable, therefore, to suspend action with regard to the draft protocol until it can be seen more clearly what policy will be pursued by the British Empire in regard to commercial matters generally.

3. I presume that in the circumstances your Ministers will see no objection to the course proposed by Viscount Grey.

I have, &amp;c.,

A. BONAR LAW.

\* No. 83.

† No. 77.

‡ Nos. 80, 81, 79, 78, and 82.

35203

No. 86.

COLONIAL OFFICE to FOREIGN OFFICE.

Downing Street, 10th August, 1916.

SIR,

I AM directed by Mr. Secretary Bonar Law to acknowledge the receipt of your letter of the 25th of July,\* and to request you to inform Viscount Grey that he sees no objection to the course proposed with regard to the draft protocol amending the Anglo-Russian Commercial Treaty of 1859.

2. I am to enclose copies of the despatches† on the subject which have been sent to the self-governing Dominions.

I am, &amp;c.,

HENRY LAMBERT.

49400

No. 87.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE

(Received 16th October, 1916.)

[Copy to Foreign Office, 20th October, 1916. L.F.]

(Confidential (2).)

SIR,

Governor-General's Office, Pretoria, 23rd September, 1916.

I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential of the 8th August,† a copy of a confidential minute from Ministers on the subject of the proposed protocol amending the Anglo-Russian Treaty of 1859.

I have, &amp;c.,

BUXTON,

Governor-General.

Enclosure in No. 87.

(Confidential.)

(Minute No. 1371.)

Prime Minister's Office, Pretoria, 20th September, 1916.

WITH reference to His Excellency the Governor-General's Confidential minute No. 62/822, of the 7th instant, covering a copy of a Confidential despatch dated the 8th ultimo from the Right Honourable the Secretary of State for the Colonies, Ministers have the honour to inform His Excellency that they are prepared to acquiesce in the suggestion put forward by the Right Honourable the Secretary of State as regards the non-submittal to the Russian Government, until the end of the War, of the draft of the proposed protocol amending the Anglo-Russian Treaty of 1859.

HENRY BURTON.

50671

No. 88.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 23rd October, 1916.)

(Confidential.)

SIR,

Government House, St. John's, 3rd October, 1916.

REFERRING to your despatch Confidential of the 8th August,† on the subject of the proposed protocol amending the Anglo-Russian Treaty of 1859, I have the honour to state that my Ministers concur in the proposal not to submit the draft to the Russian Government until the end of the War.

I have, &amp;c.,

W. E. DAVIDSON.

\* No. 84.

† No. 85.



58644

No. 89.

## NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7th December, 1916.)

(Confidential.)

SIR, Wellington, 13th October, 1916.  
I HAVE the honour to acknowledge the receipt of your Confidential despatch No. 4, of the 8th August,\* intimating that it is proposed to postpone until after the end of the War the submission to the Russian Government of the draft protocol amending the Anglo-Russian Treaty of 1859.

2. The Government of New Zealand have no objection to the proposal.

I have, &amp;c.,

LIVERPOOL.

Governor.

59415

No. 90.

## AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th December, 1916.)

[Copy to Foreign Office, 22nd December, 1916. L.F.]

(Confidential.)

SIR, Governor-General's Office, Melbourne, 25th October, 1916.  
REFERRING to your despatch dated 8th August last, Confidential (3),\* on the subject of the submission to the Russian Government of the draft of the proposed protocol amending the Anglo-Russian Treaty of 1859, I have the honour, at the instance of my Prime Minister, to inform you that the Commonwealth Government concurs in the proposal to suspend action in this matter until after the end of the War.

I have, &amp;c.,

R. M. FERGUSON,  
Governor-General.

## Switzerland.

33252

No. 91.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 695.)  
(Australia. No. 521.)  
(New Zealand. No. 400.)  
(Union of South Africa. No. 559.)  
(Newfoundland. No. 379.)

[SIR,]  
[MY LORD,]

Downing Street, 23rd July, 1915.

WITH reference to my predecessor's despatch No. [268,] [217,] [157,] [167,] [123,] of the 13th of April, 1914,† I have the honour to state, for the information of [Your Royal Highness's] [Your Excellency's] [your] Ministers, that the ratifications of the Additional Convention of 30th March, 1914, to the Treaty of Friendship, Commerce, and Reciprocal Establishment between the United Kingdom and Switzerland were duly exchanged on the 12th of July.

I have, &amp;c.,

A. BONAR LAW.

\* No. 85.

† No. 142 in Dominions No. 51.

## Uruguay.

2403

No. 92.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 74.)  
(Australia. No. 47.)  
(New Zealand. No. 39.)  
(Union of South Africa. No. 52.)  
(Newfoundland. No. 43.)

[SIR,] [MY LORD,]

Downing Street, 28th January, 1915.

I HAVE the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] for the information of your Ministers, a copy of a note from the Uruguayan Minister at this Court reporting the intention of his Government to denounce the commercial treaty concluded with Uruguay in 1885.

I have, &amp;c.,

L. HARCOURT.

Enclosure in No. 92.

Uruguayan Legation, London,  
17th December, 1914.

YOUR EXCELLENCY,

I HAVE the honour to inform Your Excellency that by a Decree of the 10th November last my Government decided to denounce the present treaty of commerce which was concluded with the Imperial Government on the 13th November, 1885.

The object of this denunciation is to proceed at once to the conclusion of a fresh treaty which will bring industrial progress and the new requirements of commercial interchange into harmony with the interests of the British Empire and of Uruguay, those interests being appraised in the spirit of justice and friendly consideration which has governed and governs their relations; my Government have had the same object in view in denouncing the commercial treaties in force with France and with Germany.

My Government will have the honour to submit shortly to Your Excellency the draft of a new treaty, but they will, nevertheless, welcome with the greatest goodwill any draft or proposal which the British Government for their part may wish to submit to the Government of Uruguay.

In stating the above I have the honour to notify Your Excellency of the case contemplated in article 16 of the above-mentioned treaty of the 13th November, 1885.

I have, &amp;c.,

VIDIELLA.

The Right Honourable

Sir Edward Grey, Bart., K.G., M.P.,

&amp;c., &amp;c., &amp;c.

50100

No. 93.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

(Canada. No. 1236.)  
(Commonwealth of Australia. No. 1067.)  
(New Zealand. No. 874.)  
(Union of South Africa. No. 1262.)  
(Newfoundland. No. 771.)

[SIR,] [MY LORD,]

Downing Street, 2nd November, 1916.

WITH reference to my predecessor's despatch No. [74,] [47,] [39,] [52,] [43,] of the 28th of January, 1915,\* reporting the denunciation by the Uruguayan

\* No. 92.



Government of the Commercial Treaty of 13th November, 1885, between the United Kingdom and Uruguay, I have the honour to request [Your Excellency] [you] to inform your Ministers that the Convention of 15th July, 1899, which renews the Treaty of 1885, though not definitely denounced by the Government of Uruguay, is regarded by His Majesty's Government as having lapsed at the same time as the treaty.

I have, &c.,  
A. BONAR LAW.

General.

35951

No. 94.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 31st July, 1916.)

[Answered by No. 95.]

SIR, Foreign Office, 29th July, 1916.  
I AM directed by Viscount Grey to transmit to you, to be laid before Mr. Secretary Bonar Law, copy of a letter received from the British Vice-Consul at Omaha with regard to the provisions of the Convention of March, 1899, between Great Britain and the United States, with regard to the disposal of the real and personal property of intestates, together with copy of draft of the reply which, should Mr. Bonar Law concur, it is proposed to address to His Majesty's Ambassador at Washington.

I am, &c.,  
A. LAW.

Enclosure 1 in No. 94.

British Vice-Consulate,

DEAR SIR, Omaha, U.S.A., 22nd March, 1916.

CANADA did not accede to the treaty of March, 1899, between Great Britain and the United States, relative to the disposal of real and personal property, but such treaty is still in force and effect.

A former Canadian, resident in California, died there, leaving valuable real estate in the State of Nebraska, and, as he died intestate, leaving heirs in Canada, these latter would take the greater bulk of the property if it can be shown that the existing treaty applies to Canada.

I am told that a similar question arose in 1899 between Great Britain and Japan in respect to the treaty with that country of 16th July, 1894, and that Her Majesty's Government expressed the view that Article XIX. of the Japanese treaty "has not the effect of limiting the rights of British subjects connected with non-adhering Colonies or possessions, as the inhabitants of such places are, generally, and not merely, British subjects, and that the fair meaning of the treaty is that all persons who by British law are recognized as possessing the rights of British citizenship all over the world are entitled to the benefits of its stipulations, and that this test includes the inhabitants—being British subjects—of all Colonies and dependencies, whether they adhere to the treaty or not."

I will esteem it a favour, if it is not asking too much of you, if you will send me full information concerning this opinion of the British Government heretofore, and also all books and data bearing on the question. I have not seen the whole opinion, of which the foregoing is an excerpt, and so do not know whether such opinion referred to authorities and decisions upholding the conclusion reached, but I imagine it did so, and, therefore, the whole opinion will be of value, and all

information and authorities which you can furnish will aid us in solving the questions involved in the courts of this country, which, of course, are the ultimate tribunals.

Yours, &c.,  
MATTHEW A. HALL,  
British Vice-Consul.

Honourable Secretary of State  
for Foreign Affairs,  
London.

(Draft.)

Enclosure 2 in No. 94.

SIR, Foreign Office, 1916.  
I TRANSMIT herewith copy of a letter, as marked in the margin, from Mr. Hall, the British Vice-Consul at Omaha, in which he inquires if the provisions of the Convention of March, 1899, between Great Britain and the United States relative to the disposal of the real and personal property of intestates affect the case of a former Canadian, resident in California, who died intestate, leaving valuable real estate in the State of Nebraska and heirs in Canada.

I have the honour to request Your Excellency to inform the Vice-Consul, through His Majesty's Consul-General at Chicago, that I am advised that the provisions of the Convention apply to the case in question for the following reasons:—The Convention does not apply to Canada; but the real point raised in the Vice-Consul's letter is to be decided on a consideration of Article I. of the Convention, and is not whether the provisions of that article apply to Canada, but whether they apply to any British subject, whether of Canadian or other origin, within the British Dominions.

In the case under consideration a subject of the British Crown, of Canadian origin, but resident in California, died leaving real estate in Nebraska, in which State real estate cannot, according to the laws there in force, be held by an alien, and therefore the case arises which is provided for in Article I. of the treaty, of a British subject who is disqualified from inheriting such real estate according to the law of the country in which it is situated, but who, by the terms of the article, is allowed a period of three years, which may be prolonged, to sell the same.

I am therefore advised that the heirs of the deceased man in this case come within the benefit of the provisions of Article I. of the Convention, although that Convention is not applicable to Canada.

I have to request in this connexion that His Majesty's Consul-General at Chicago may be instructed to remind the Vice-Consul that communications for this Department should be made through his superintending Consul-General and not direct.

Sir C. Spring-Rice,  
Washington.

35951

No. 95.

CANADA.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 17th August, 1916.  
IN reply to your letter of the 29th of July,\* I am directed by Mr. Secretary Bonar Law to request you to inform Viscount Grey that he concurs in the draft of the proposed despatch to His Majesty's Ambassador at Washington respecting the provisions of the Convention of March, 1899, between Great Britain and the United States with regard to the disposal of the real and personal property of intestates.

I am, &c.,  
HENRY LAMBERT.



## Inclusion of Coasting Trade in Commercial Treaties.

623

No 96.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th January, 1915.)

[Copy to Board of Trade and Foreign Office, 12th January, 1915. L.F.]

(No. 760.)

SIR, Government House, Ottawa, 24th December, 1914.  
I HAVE the honour to transmit, herewith, copies of an Order in Council renewing the Order in Council of the 14th August, 1914, on the subject of the admission to the coasting trade of Canada of the ships of certain specified countries.

I have, &amp;c.,

ARTHUR.

Enclosure in No. 96.

(P.C. 3119.)

AT THE GOVERNMENT HOUSE AT OTTAWA, WEDNESDAY, THE 16TH DECEMBER, 1914.

Present: HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council of the 14th August, 1914, steamships of not less than two thousand tons gross tonnage each, of the following countries, namely, Norway, Sweden, Denmark, and Japan, were admitted to the coasting trade of Canada, in the carrying of goods and passengers coastwise between any port in the Provinces of Quebec, Nova Scotia, New Brunswick, or Prince Edward Island, and any other port in one of the said provinces, and *vice versa*, on the same terms and conditions as are applicable to Canadian vessels, until 31st day of December, 1914.

AND WHEREAS the Minister of Customs is of the opinion that it is expedient to renew the said privilege temporarily;

THEREFORE His Royal Highness the Governor-General in Council is pleased to order, and it is hereby ordered as follows:

Steamships of not less than two thousand tons gross tonnage each, of the following countries, namely, Norway, Sweden, Denmark, and Japan, shall be admitted to the coasting trade of Canada, in the carrying of goods and passengers coastwise between any port in the Provinces of Quebec, Nova Scotia, New Brunswick, or Prince Edward Island, and any other port in one of the said provinces, and *vice versa*, on the same terms and conditions as are applicable to Canadian vessels, for a period of one year from the 1st of January, 1915.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council

SECRETARIAT NOTE.—By Order in Council of 27th November, 1915, the term was extended for one year from 1st of January, 1916.

## RESOLUTION XXI.: MAIL COMMUNICATION.

That in the interests of the Empire it is desirable that Great Britain should be connected with Canada and New Zealand by the best mail service available.

35130

No. 97.

AUSTRALIA.

COLONIAL OFFICE to GENERAL POST OFFICE.

[Answered by No. 101.]

SIR,

Downing Street, 13th January, 1915.

I AM directed by Mr. Secretary Harcourt to request you to inform the Postmaster-General that a copy of your letter of 14th October,\* with reference to the new forms of tender for the Eastern and Australian mails, has been forwarded to the Governor-General of the Commonwealth of Australia.

2. Mr. Harcourt observes that it is stated in the "Instructions for parties desirous of tendering for the conveyance of the Australian mails" that the Postmaster-General does not consider it essential that the Suez Canal route should be followed, and he gathers, therefore, that Mr. Hobhouse has in contemplation the completion of a separate contract in respect of the Australian mails. In view of this fact, it appears to him to be deserving of consideration whether the time has not arrived for including in any such contract provisions similar to those in force in other mail contracts of a similar nature (*e.g.*, that with the Orient Mail Steamship Company, made by the Commonwealth Government, and that with the Union Castle Steamship Company, made by the Government of the Union of South Africa) for the safe carriage of articles of produce which need special care.

3. The Postmaster-General will be aware that both the butter industry and the fruit industry are attaining to considerable dimensions both in Australia and New Zealand. It may be mentioned that the fruit industry in the Commonwealth has recently been the subject of special examination by a Royal Commission appointed locally.

4. Mr. Hobhouse will also remember that the subject of the inclusion in mail contracts of definite obligations on shipping companies favourable to trade development has recently been the subject of recommendations by the Dominions Royal Commission (see paragraph 64 of [Cd. 7210], and paragraph 151 of [Cd. 7505]).

5. Mr. Harcourt would be glad to know whether the Postmaster-General would concur in despatches being addressed to the Government of the Commonwealth of Australia and the Government of New Zealand inquiring:—

(1) Whether they would desire that any new contract for the conveyance of mails should include provisions for the safe transit and handling of perishable produce, and for special rates of freight for any classes of produce.

(2) If so, what special provisions these Governments consider to be needed; and

(3) Whether they would agree that prospective contractors should be invited to name a specific sum for such additional services, and (as His Majesty's Government are not directly interested) whether they would be ready to contribute the additional payment involved.

I am, &amp;c.,

HENRY LAMBERT,  
for the Under-Secretary of State.

\* No. 192 in Dominions No. 51.



6819

No. 98.

## AUSTRALIA.

## GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 11th February, 1915.)

THE Secretary to the Post Office presents his compliments to the Under-Secretary of State for the Colonies, and, by direction of the Postmaster-General, encloses copy of a letter of the 8th of February, 1915, to the Treasury, on the subject of the extension of the contract with the Peninsular and Oriental Steam Navigation Company for the Eastern Mail Service. A similar letter has been sent to the India Office.

General Post Office,  
10th February, 1915.

Reference to previous correspondence: letter to the Post Office of the 20th of January, 1914, No. 804/1914,\* and to subsequent correspondence.

Enclosure in No. 98.

SIR, General Post Office, London, 8th February, 1915.  
I AM directed to refer to the Treasury letter of the 20th of April last, conveying their lordships' covering authority for the extension for one year of the contract dated the 7th of August, 1907, between the Postmaster-General and the Peninsular and Oriental Steam Navigation Company, by which arrangement it was contemplated that twenty-four months' notice of determination should be served on the Company on the 31st of January last. At that time, however, it seemed desirable to consider whether it would not be advantageous to postpone action for at least six months, or until the requirements of the future, as affected by the war, could be more clearly foreseen. In any case it appeared to the Postmaster-General that, in view of the disturbed condition of British shipping due to the war, no useful response to tender would be forthcoming.

The Secretary of State for India, who has been consulted, agreed with these views, but he considered that, in order to encourage the competition which is especially desirable in this case, an extension for twelve months would be preferable to one of six months.

After further consideration the Postmaster-General decided to ascertain whether the Company would be prepared to prolong their arrangements for twelve months, and in pursuance of this policy the question was duly put to Lord Inchcape, Chairman of Directors of the Peninsular and Oriental Company. Accordingly I am now to inform their lordships that the Company has agreed that notice of determination shall not be given by either side before the 31st of January, 1916, and that consequently the contract will now run on, in any case, until the 31st of January, 1918.

I am to request that the Postmaster-General may be favoured with their lordships' covering authority for the prolongation of the contract as indicated above.

I am, &amp;c.,

G. E. P. MURRAY.

The Secretary,  
Treasury.

\* No. 185 in Dominions No. 51.

6819

No. 99.

## NEW ZEALAND.

## THE SECRETARY OF STATE to THE GOVERNOR.

(Confidential.)

MY LORD,

Downing Street, 5th March, 1915.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, a copy of a letter\* from the General Post Office, on the subject of the contract with the Peninsular and Oriental Steam Navigation Company for the conveyance of the Eastern and Australian mails.

2. After discussion between the Postmaster-General and the Peninsular and Oriental Company it has now been agreed that notice of determination of the contract shall not be given by either side before the 31st January, 1916, and consequently the contract will now run on, in any case, until the 31st January, 1918.

I have, &amp;c.,

L. HARCOURT.

6819

No. 100.

## AUSTRALIA.

## THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential (4).)

SIR,

Downing Street, 5th March, 1915.

WITH reference to my despatch Confidential (2) of the 23rd October last,† I have the honour to request Your Excellency to inform your Ministers that, after discussion between the Postmaster-General and the Peninsular and Oriental Steam Navigation Company, it has been agreed that notice of determination of the contract with the Company for the Eastern and Australian Mail Service shall not be given by either side before the 31st January, 1916, and that, consequently, the contract will now run on, in any case, until the 31st January, 1918.

I have, &amp;c.,

L. HARCOURT.

15549

No. 101.

## AUSTRALIA.

## GENERAL POST OFFICE to COLONIAL OFFICE.

(Received 1st April, 1915.)

[Answered by No. 102.]

SIR,

General Post Office, London, 1st April, 1915.

THE Postmaster-General has had before him the Colonial Office letter of the 13th of January last, No. 35130/14,‡ inquiring whether the opportunity may be taken to include freight provisions in the proposed new contract for the conveyance of mails between this country and Australia such as appear in the contracts made by the Australian and South African Governments with the Orient and Union Castle Steamship Companies respectively.

2. This proposal is based upon the assumption that, as the Suez Canal route is stated in the instructions accompanying the forms of tender not to be essential, a separate contract for the Australian service is contemplated by the Post Office. The conclusion, however, of a separate contract for the Australian Mail Service is improbable. It was pointed out in the letter to the Colonial Office of the 14th of October last§ that the Post Office could not contemplate the employment of any route to Australia which would entail a substantially longer period of transit than at present.

\* No. 98. † No. 193 in Dominions No. 51. ‡ No. 97. § No. 192 in Dominions No. 51.



3. The only effective alternative to the present route would be a service via Canada and the Pacific, and even this would be several days longer than the Suez route, while the various trans-shipments would not commend the route to the shippers of produce, and the intervention of a long section of railway conveyance would make it peculiarly unsuitable for the development of any trade which requires the relatively low all-sea rates as a condition of its expansion. Moreover, the Postmaster-General is of opinion that no control of freight rates by this route which could be effected under a mail contract would be likely to be of much service, unless a very heavy subsidy were paid in respect of control. The all-sea routes by the Cape of Good Hope or the Panama Canal are too slow to be suitable for the mail service.

4. It seems probable, therefore, that the new mail service will continue to be via the Suez Canal and that it will, as in the past, be combined in a general contract covering also the Indian and Eastern mails. The possibility of a change in the latter condition must, in the Postmaster-General's opinion, depend upon circumstances affecting ocean trade which it is impossible at present to forecast.

5. Apart, however, from the question of a separate or a combined contract, the Post Office has consistently endeavoured in its mail contracts to avoid as far as possible all conditions not relevant to the conveyance of mails. For example, when this Office was arranging with the South African Colonies in 1907 for the renewal of the Anglo-South African contract it was stipulated that the new contract should be free from any arrangement for the conveyance of freight, and the Treasury clearly laid down, in Treasury letter of the 21st of December, 1907, of which a copy is annexed, the principles upon which their objections were based.

In the negotiations which ultimately resulted in the inclusion of freight clauses in this contract this Office took no part.

In connexion with the West India mail contract the Colonial Office was informed, by letter dated the 21st of February, 1911,\* that the Postmaster-General was strongly of opinion that any understanding between the West Indian Colonies and the contractors on the subject of freight rates should be embodied in an agreement separate from the mail contract.

6. According to the experience of this Office there is little doubt that the concession of a mail contract in present conditions is not a powerful inducement to the principal steamship companies to agree to conditions irrelevant to the mail service, and in respect of which they receive no other consideration. Concessions in regard to freight and conditions of storage would certainly have to be paid for at not less than their actual value, and it would not in practice be easy to ascertain their exact cost.

7. There are, moreover, legal difficulties in thus extending the scope of the mail contract. The tender forms upon which it is proposed to invite shipowners to tender for the new service were drawn up by counsel, Sir Reginald Acland, K.C., and Mr. Ricketts, who strongly advised that the requirements of other Departments of the Government should be met by separate agreements, as there might be difficulties in the enforcement of non-postal conditions by the Post Office.

8. It is, perhaps, not irrelevant to mention that the relations of British shipping companies with the Australian Government are somewhat strained in consequence of certain labour legislation passed by the latter, and that companies will probably not be willing to make any concessions to that Government when they tender for the mail service.

9. The Postmaster-General has already caused the Secretary of State for the Colonies to be informed, by letter dated the 3rd of April, 1914,† of his views on the recommendations of the Dominions Royal Commission so far as they affected the mail service to and from Australia, and he does not consider that the precedents quoted in the Colonial Office letter now under reply would justify him in recommending to the Treasury the inclusion in Post Office contracts of provisions relating to the storage of cargo or for regulating the freight for its conveyance; but he would be glad to furnish any information which might assist in inducing

\* No. 163 in West Indian No. 178.

† No. 190 in Dominions No. 51.

any successful tenderer for a separate Australian service to agree to the conclusion of a separate contract, on the understanding, however, that any questions of detail would have to be settled by the Colonial Office and that no charge would be borne on the Post Office vote.

I am, &c.,  
G. E. P. MURRAY.

Enclosure in No. 101.

SIR, Treasury Chambers, 21st December, 1907.  
THE Lords Commissioners of His Majesty's Treasury have carefully considered your reports of the 23rd ultimo and the 10th instant and their enclosures, relative to the arrangements for the South African mails after 1st October, 1910.

1. The South African Governments propose that alternative tenders shall be invited covering two conditions which were not contemplated in the negotiations of June last with Sir Somerset French.

"A. Any of the South African Governments parties to the contract to be permitted to claim at any time, and from time to time, that if the contractors shall carry or offer to carry freight for the public to or from any South African ports either by their mail steamers (when engaged in the mail service or when plying between any of the ports on the coast of South Africa) or by any other steamships belonging to them or directly or indirectly controlled by them, they shall carry for any of the South African Governments as aforesaid such Government stores or shipments which the said Governments may from time to time desire to ship, the contractors to receive reasonable notice of such shipment and to bind themselves not to charge for such shipments higher rates of freight than they shall charge to any other shipper for similar descriptions of cargo, Inter-Colonial Council freight to be regarded as Government freight. In ascertaining the most favourable rates of freight full credit shall be given for all allowances, refunds, rebates, and commissions which the contractors may allow or make whether absolutely or conditionally to any shipper."

This clause secures most favoured treatment to the South African Governments and does not, as at present drafted, secure any advantage to the Imperial Exchequer.

"B. The tariff for public freight to be fixed from time to time by the contractor and seven days' notice of any proposed change to be given. The tariff and changes in tariff to be notified to the Crown Agents in London and to the Agents-General of the several Colonies of British South Africa parties to the mail contract. All goods to be carried by the mail steamers at the tariff rates for the time being in force, without preference, save as to the order in point of time in which they are delivered for shipment. Any violation of this condition to subject the contractors to an absolute penalty of £100 for each violation, such sum to be deducted by the Postmaster-General from any subsidy payable to the contractors."

So far as their lordships are aware, this clause, which provides for the publication from time to time of a fixed tariff and the prohibition of all "preference," goes beyond any clauses approved in mail contracts by either themselves or their predecessors—the latter having, at the most, provided against undue preference to foreigners.

In any case their lordships cannot allow any extra charge to be imposed on the Imperial Exchequer in respect of the foregoing clauses.

The suggestion submitted for estimating the extra cost (if any) is that alternative tenders should be invited. Experience shows, however, that this procedure may be frustrated by the refusal of tenderers to submit more than a single tender. My lords therefore think it preferable that the matter should be dealt with by supplementary tenders or, failing this, that the South African Governments, after tenders for the agreed minimum provisions have been sent in and before they have been accepted, should negotiate with the tenderers so as to ascertain at what additional cost their further requirements could be met.

It seems, however, not improbable that tenderers would accept without any increase of subsidy the former of the two clauses, extended so as to include the Imperial Government, plus the usual clause prohibiting undue preference to foreigners: and that the South African Governments might be well advised to waive the second clause and proceed on these lines.



2. You point out that the terms of Clause 12 of the Conditions of Tender (which now provides specifically that parcel mails for Natal are to be conveyed by the mail steamers) will presumably cause a large increase in the subsidy demanded, which may amount to as much as £30,000 a year, and you observe that this modification no doubt has its origin in some other consideration than the mail service.

It would clearly be impossible for their lordships to consider a proposal that any part of this additional sum (which will replace a payment now made by the Natal Government) should be debited to the Exchequer: and this service should, therefore, also be dealt with by supplementary tender, on the lines indicated above.

3. As regards the apportionment of the cost of the service limited as above, I am to say that my lords are ready to adhere to the settlement agreed to with Sir S. French during his visit to England last summer. But they only accepted that settlement as a compromise and because they believed that it would meet the wishes of the Cape Government; and, if that settlement is to be departed from, they prefer the basis of apportionment adopted in the case of the contract for the Eastern Mail Service and known as the "Morley Award." In any case they are not prepared to accept an apportionment based on either the Postal Union rates for the time being or the full rates fixed at the Rome Conference.

4. There remains the question raised in your report of 22nd August last as to the advisability of asking the Cape Government to include in the Conditions of Tender a clause restricting the sale or letting of any ship actually employed, or which may have been employed during the previous twelve calendar months, as a mail ship.

I am to transmit herewith a copy of a letter dated 16th September last which my lords caused to be addressed to the Admiralty on the subject, to which they have received no reply. With a view to avoiding delay I am to suggest that you should communicate direct with the Board and ascertain whether they are still desirous of the insertion of the clause, subject to the condition that any part of the resultant charge falling on Imperial funds should, if ultimately sanctioned by this Board, be borne by Navy votes. If so, my lords would have no objection to the necessary request being made to the Cape Government—the suggested alternative tender being replaced in this case also by a supplementary tender.

I am, &c.,  
G. H. MURRAY.

The Postmaster-General.

SIR, Treasury Chambers, 16th September, 1907.

I AM directed by the Lords Commissioners of His Majesty's Treasury to transmit to you herewith, to be laid before the Lords Commissioners of the Admiralty, a copy of a letter dated the 22nd ultimo, which they have received from the Post Office relative to the insertion in the tender forms for the Cape mails contract of a clause restricting the sale or letting of any ship actually employed, or which may have been employed during the previous twelve calendar months, as a mail ship.

My lords think it desirable, in the first instance, to ascertain as accurately as possible the cost (if any) of such a stipulation. They propose, therefore, subject to the observations of the Board of Admiralty, to invite tenderers to name a sum for which they are prepared to comply with all the conditions in the tender forms, including the clause in question, but to request them to state at the same time what abatement they would be ready to make if the clause were omitted. When the amount of abatement is known, it will be easier to compare the expenditure involved with the advantages to be gained.

Should it be decided, on naval grounds, to retain the clause, the cost of doing so should, in their lordships' opinion, be charged to naval votes.

I am, &c.,  
E. W. HAMILTON.

The Secretary  
to the Admiralty.

15549

No 102.

AUSTRALIA.

COLONIAL OFFICE to GENERAL POST OFFICE.

SIR,

Downing Street, 23rd April, 1915.

I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 1st April,\* with reference to the Australian Mail Service.

2. In view of the considerations urged by the Postmaster-General, Mr. Harcourt will not press the suggestion made in the letter from this Department of the 13th January,† that the Governments of the Commonwealth and New Zealand should be consulted as regards the inclusion in any new contract of provisions other than those dealing specifically with the carriage of mails.

I am, &c.,  
HENRY LAMBERT,  
for the Under-Secretary of State.

\* No. 101.

† No. 97.



## REORGANIZATION OF THE CONSULAR SERVICE.

43963

No. 103.

THE GOVERNOR-GENERAL OF AUSTRALIA to THE SECRETARY OF STATE.

(Received 14th September, 1916.)

[Answered by No. 106.]

(No. 292.)

SIR, Governor-General's Office, Melbourne, 3rd August, 1916.  
I HAVE the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government suggests that the following subject should be considered at the next meeting of the Imperial Conference:—  
"The organization of the Consular and Intelligence Services, and the linking up of those services with the Dominions for the purposes of trade and defence."

I have, &c.,  
R. M. FERGUSON,  
Governor-General.

43963

No. 104.

COLONIAL OFFICE to BOARD OF TRADE, FOREIGN OFFICE, ADMIRALTY, AND WAR OFFICE.

SIR, Downing Street, 9th November, 1916.  
I AM directed by Mr. Secretary Bonar Law to request you to inform [the Board of Trade] [Viscount Grey] [the Lords Commissioners of the Admiralty] [the Army Council] that a despatch has been received from the Governor-General of the Commonwealth of Australia suggesting that the following subject should be considered at the next meeting of the Imperial Conference:—

"The organization of the Consular and Intelligence Services and the linking up of those services with the Dominions for the purposes of trade and defence."

The Governments of the other Self-governing Dominions have been informed accordingly.

2. I am to enclose a copy of a memorandum on this subject which has been prepared in this Department. It is to be presumed that the discussion which the Commonwealth Government desire will cover the whole field of intelligence, naval, military, and commercial, and I am to request that the Governor-General's despatch may be carefully borne in mind in considering any connected matter which may come up for discussion in the interval, [to Foreign Office and Admiralty: e.g., the proposed attachment of two Australian agents to His Majesty's Consulate-General at Batavia.]

[To Board of Trade and Foreign Office only: 3. It is specially hoped that any changes made in the interval before the next Imperial Conference in the organization of the Consular Service and the system of Commercial Intelligence will be framed with due regard to the possibility that Dominion Governments may desire to establish in these respects relations of much closer co-operation with His Majesty's Government than it has hitherto been possible to arrange.]

I am, &c.,  
HENRY LAMBERT.

## REORGANIZATION OF THE CONSULAR SERVICE.

Enclosure in No. 104.

MEMORANDUM.

[As revised and sent to the Departments named on 20th January, 1917. L.F. (58509).]

THE Government of the Commonwealth of Australia have suggested the following subject for discussion at the next meeting of the Imperial Conference:—

"The organization of the Consular and Intelligence Services, and the linking up of those services with the Dominions for the purposes of trade and defence."

It is probable that this step is connected with certain correspondence now in progress.

- (a) The Commonwealth Government are desirous of attaching two agents to the British Consulate-General at Batavia to assist with all shipping and intelligence matters connected with the War. The Governor-General has stated that it is difficult to imagine how absolutely in the dark the Commonwealth Government was at the commencement of the War as to all that was going on to the north of Australia, and the intention of the Commonwealth Government was that the agents should be in touch with the Admiralty Intelligence Service in the East. Preferably naval officers with previous service in the Royal Australian Navy would be appointed. They would serve under the Commonwealth Navy Board, but would be available for Imperial purposes. Up to the present the proposal has been deprecated on the ground that the multiplication of agents is undesirable.
- (b) During his recent visit to this country Mr. Hughes asked that a representative of the Commonwealth Department of Defence might be attached to the British Consulate-General at New York to watch Australian interests both in regard to general purposes and for official information. He represented that experience had shown that it would have been of great service to Australia if such an official had been there in past years to expedite the delivery of machinery for rifles and in connexion with the ordering of duplicate parts, and generally to keep himself abreast with improvements in military and naval matters. This proposal has been agreed to, and it has been suggested to the Commonwealth Government that the officer to be sent for the purpose should have the rank of Vice-Consul.

As regards the previous history of the matter, the following facts may be recalled.

At the end of 1912 arrangements were made for bringing Canada into more intimate relations with the Consular Service. It was laid down that His Majesty's Consuls were to be considered as commissioned primarily to serve the trade of the United Kingdom, but, subject to this, it was arranged that Canadian firms might apply direct to any of His Majesty's Consuls for information as to the possibilities of sale of Canadian products, the method under which business is conducted, and the best means of getting into touch with markets; that the Canadian Trade Commissioners might apply to the Consuls for advice and assistance; and that, as a tentative measure extending only to a restricted number of Governments and by special arrangement in each case, accommodation might be provided in the consulates for Canadian commercial representatives, on the understanding that the consular officer assumed no responsibility for the direction or work of the Canadian representative.

All the Dominions were subsequently included in these arrangements.

Some of the Dominion Governments have been authorized to supply certain Consuls with their handbooks and other printed matter concerning their country, so as to place the Consuls in a better position to reply to intending emigrants and others seeking information. Consuls in the United States are supplied with copies of the Dominion tariffs.

No objection is raised in principle to Dominion Governments corresponding direct with Consuls whenever there would be a distinct saving of time by adopting such a course, but in other cases it is desired that they will not correspond with Consuls except through His Majesty's Government. This has been made a definite rule for communications with Consuls in Europe, direct correspondence with whom would in no case effect any saving in time. The reasons for confining direct



correspondence between Dominion Governments and Consuls to exceptional cases when time is of importance, were, in addition to the fact that Consuls are primarily commissioned to serve the trade of the United Kingdom, the wish not to add unnecessarily to their labours, the probability that in many cases the information required would be in the possession of His Majesty's Government, and the desirability that the Foreign Office should know exactly the amount and character of the work being demanded from individual consular officers and the manner in which it was being performed.

The Union Government were inclined to demur to these restrictions on direct correspondence, and pointed out that private persons were entitled to correspond direct with His Majesty's Consuls in all countries. It was explained, in reply, that very different considerations applied to inquiries from Governments and to inquiries from private individuals, and that answers to private inquiries did not generally involve an expenditure of time and labour comparable to what was entailed by inquiries from Governments. Consuls send to the Commercial Intelligence Branch of the Board of Trade duplicates of all replies returned to inquiries from Dominion Governments. Replies to private inquiries are sent under flying seal to the same office, except in cases where undue delay would be thus caused; in such cases the replies are sent direct and duplicates only are sent to the Commercial Intelligence Branch. No arrangement is, however, in force under which Dominion Governments are made aware of the replies returned to private inquiries from their respective Dominions.

As regards Naval intelligence, the Commonwealth Government organized in March, 1914, an Intelligence Staff at the Navy Office, which, in addition to discharging the functions entailed by the reporting scheme, would also collect intelligence, the object aimed at being a specialization in Eastern intelligence in conjunction with Admiralty intelligence officers in the East. The Admiralty accordingly gave instructions to the Commander-in-Chief, China station, to send to the new Department the China intelligence reports which he had been previously sending to the Director of Intelligence, Melbourne, and similarly to the Commander-in-Chief, East Indies, to send all local intelligence reports, other than those concerning movements, likely to be of interest or value to the Naval Board. The Commonwealth Government considered the arrangements made by the Admiralty most satisfactory.

Since the commencement of the War arrangements have been made for all naval intelligence centres, both in the Pacific and Indian Oceans, to report the movements of enemy and suspicious vessels to the Navy Board, Melbourne.

As regards Military intelligence, a Dominions section was established at the War Office in 1912, composed of representatives of the Canadian, Australian, and New Zealand sections respectively of the Imperial General Staff. It was part of the duties of these officers to collect and supply information both to their own Dominions and to the War Office, but it is to be presumed that this responsibility extended only to technical and professional matters.

In March, 1914 (at the time, it will be noticed, of the establishment of the Naval Intelligence Staff) the Commonwealth Government asked that the Commonwealth section of the Imperial General Staff might be supplied direct with copies of reports furnished by the Military Attachés at Tokio and Pekin, and that the Military Operations Directorate might be authorized to correspond direct with the Chief of the Commonwealth section of the Imperial General Staff upon matters relating to such intelligence.

The reply was to the effect that copies of all such reports from the Attachés which might be considered to be of interest to the Commonwealth section of the Imperial General Staff would be furnished, but that it was preferable that they should be sent through the Colonial Office, and that all correspondence arising out of such reports, or in regard to the collection of military intelligence by the officers in question, should be conducted through the same channel.

The General Officers Commanding, North and South China, were, however, authorized to send direct to the Commonwealth section of the Imperial General Staff copies of such of the local intelligence reports compiled by officers of their staff as were likely to be of value to the Commonwealth Military Board. This action was taken in view of the instructions issued by the Admiralty to the Naval

Commanders-in-Chief, but it was requested that the Colonial Office should be the channel of correspondence on questions arising out of such reports and in regard to the collection of military intelligence in the two commands.

October, 1916.

N.B.—Since the above memorandum was prepared a letter has been received from the Admiralty (of the 5th December, 1916) in which the Naval Intelligence System in the East is described as follows:—

The Consul-General, Batavia, and other consular officers, act as Reporting Officers for their own ports or districts, and transmit intelligence of naval importance to the various naval intelligence centres, who are responsible for sifting such information and that received from all other sources, and for passing on what is of importance to all concerned in accordance with the procedure laid down for the general intelligence organization, i.e., the world-wide intelligence organization for the protection of trade in time of war, which was drawn up by the Admiralty in consultation with the Foreign, Colonial, and India Offices, and in accordance with which officers and officials under these various departments work in close touch with each other.

In connexion with this organization the ocean has been divided into definite areas of observation, in each of which a naval intelligence centre has been established. Each centre receives intelligence of naval interest from all sources within its area of observation, and the General Staff Officer, or other officer in charge, is responsible for passing on to adjacent centres all information which concerns them.

Special arrangements have, however, been made as regards communicating intelligence to the Navy Office, Melbourne. In accordance with these arrangements Melbourne is kept informed of:—

- (i) Movements of enemy and suspicious vessels direct by General Staff and other officers in charge of all intelligence centres in the Pacific and Indian Oceans.
- (ii) Other matters of naval interest on the China and East Indies Stations by the naval Commanders-in-Chief of these stations.

It may be observed that the reports the Naval Board receive from the Commander-in-Chief, China, are considered reports which have been collated with all other relevant reports, both in Singapore and in London.

January, 1917.

43963

No. 105.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. No. 1260.)

(New Zealand. No. 893.)

(Union of South Africa. No. 1288.)

(Newfoundland. No. 791.)

[MY LORD,] [SIR,]

Downing Street, 9th November, 1916.

I HAVE the honour to request [Your Excellency] [you] to inform your Ministers that the Government of the Commonwealth of Australia has suggested that the following subject should be considered at the next meeting of the Imperial Conference:—

"The organization of the Consular and Intelligence Services, and the linking up those services with the Dominions for the purposes of trade and defence."

I have, &c.,

A. BONAR LAW.

43963

No. 106.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL OF AUSTRALIA.

(No. 1087.)

SIR,

Downing Street, 9th November, 1916.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 292, of the 3rd of August,\* suggesting that the organization of the Consular

\* No. 103.



## REORGANIZATION OF THE CONSULAR SERVICE.

and Intelligence Services and the linking up of those services with the Dominions for the purposes of trade and defence should form a subject for consideration at the next meeting of the Imperial Conference, and to request you to inform your Ministers that the Governments of the other Self-governing Dominions have been informed accordingly.

I have, &c.,

A. BONAR LAW.

CD 886/7/10



Dominions

No. 61.

CONFIDENTIAL.

## CORRESPONDENCE

[1917, 1918, and 1919 (Nos. 276, 286 and 289-293)]

RELATING TO THE

# IMPERIAL CONFERENCE, 1911

AND THE

# IMPERIAL WAR CONFERENCES OF 1917 AND 1918.

*(In continuation of Dominions No. 59: continued by Dominions No. 73.)*



NOTE.—The correspondence has been arranged as indicated below.

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## I.

### CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL CONFERENCE, 1911.

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#### RESOLUTION I.: CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

##### (1) Peace Treaties with Chile, Peru and Brazil.

1918					
1	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Telegram	November 26	Refers to proposed treaties with certain South American States for the establishment of a Peace Commission, similar to that between the United Kingdom and the United States, of 15th September, 1914, and requests concurrence in ratification and signature respectively of Treaties with Peru and Chile.	1
2	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 693	December 4	Transmits various documents relative to the proposed Treaty between the United Kingdom and Brazil for the establishment of a Peace Commission.	2
3	The Governor ...	Confidential Newfoundland Telegram	December 6 (Rec. Dec. 7)	Reports that his Government concurs in ratification of Peace Treaties with Peru and Chile.	3
4	The Governor-General	Union of South Africa Telegram	December 11 (Rec. Dec. 12)	Ditto.	3
5	Ditto ...	New Zealand Telegram	(Rec. Dec. 18)	Ditto.	3

##### (2) Arbitration Treaty with Uruguay.

6	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	March 20	Sends substance of proposed Arbitration Treaty with Uruguayan Government, and inquires whether his Government have any objection to it.	3
7	The Governor-General	Canada Telegram	March 23 (Rec. Mar. 23)	States that Ministers have no objection to proposed Arbitration Treaty with Uruguay.	4
8	Ditto ...	Union of South Africa Telegram	(Rec. Mar. 25)	Ditto.	4
9	The Governor	Newfoundland Telegram	March 28 (Rec. Mar. 29)	Ditto.	5

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1918					
10	The Governor-General	Commonwealth of Australia Telegram	March 29 (Rec. Mar. 29)	States that his Government have no objection to proposed Arbitration Treaty with Uruguay.	5
11	Ditto ...	New Zealand Telegram	(Rec. Apr. 3)	Ditto.	5

##### (3) Renewal of Arbitration Agreements with the United States of America, France, Italy, and Spain.

12	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	May 10	Specifies Arbitration Treaties which are about to expire, and states that it is proposed to renew them for a period of five years; presumes Ministers concur.	5
13	The Governor-General	New Zealand Telegram	May 14 (Rec. May 14)	States that his Government have no objection to renewal of the Treaties.	6
14	Ditto ...	Canada Telegram	May 16 (Rec. May 16)	Ditto.	6
15	The Governor ...	Newfoundland Telegram	(Rec. May 18)	Ditto.	6
16	The Governor-General	Union of South Africa Telegram	(Rec. May 25)	Ditto.	6
17	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 885	June 15	States with reference to No. 12 that an agreement for the renewal of the Convention with the United States of America was signed on the 3rd June.	7
18	The Governor-General	Commonwealth of Australia Telegram	July 12 (Rec. July 12)	Reports that Ministers concur in proposal in No. 12.	7
19	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 566	October 10	States that ratifications of the renewal of the Convention between the United States of America and the United Kingdom were exchanged on 24th September.	7



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>1918</b>					
20	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 626	October 31	Transmits copies of notes exchanged between the Secretary of State for Foreign Affairs and the French Ambassador respecting the renewal of the Anglo-French Arbitration Agreement of 14th October, 1903.	8

#### RESOLUTION VIII.: PROVISION FOR DESERTED WIVES AND CHILDREN.

21	To the Local Government Board	—	November 25	States that, with the exception of Canada, all the Dominions have accepted the proposal for legislation on the lines of the draft, and suggests that the Maintenance Orders (Facilities for Enforcement) Bill should be proceeded with.	9
22	To the Governor-General	Canada 494	November 25	States that the observations of the Canadian Provinces have not been received as to the proposed Bill which has been accepted by the Government of all the other Dominions: hopes that reciprocal legislation will commend itself to the Canadian Provinces generally.	9

#### RESOLUTION X.: NATURALIZATION.

<b>1914</b>					
23	To the Governors-General and Governors	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	September 29	States that in this country certificates of naturalization are not at present granted to aliens except in special cases.	10
24	The Governor-General	Canada, Telegram	October 3 (Rec. Oct. 3)	States that in view of conditions in Canada, and provisions of the Canadian Naturalization Act, Ministers propose to continue to grant naturalization to certain persons who are subjects of enemy States, provided His Majesty's Government agrees.	10
25	To the Governor-General	Canada 826	October 27	States that His Majesty's Government do not offer any objection to proposal in No. 24.	11
26	Ditto ...	Commonwealth of Australia Telegram	December 22	Inquires whether it is proposed to introduce legislation adopting the British Nationality and Status of Aliens Act this session.	11
<b>1915</b>					
27	The Governor-General	Commonwealth of Australia Telegram	(Rec. Jan. 8)	States, in reply to No. 26, that preparation of draft measure is now in hand, but Parliament has adjourned until April next.	11
28	Ditto ...	Canada 26	January 14 (Rec. Jan. 25)	Transmits copies of an Order in Council approving certain regulations and forms necessary to carry into effect the Naturalization Act, 1914.	11

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1915</b>					
29	The Governor-General	Union of South Africa Secret	January 20 (Rec. Feb. 13)	Transmits copy of Ministers' minute enclosing copies of draft Bill adopting the British Nationality and Status of Aliens Act, but adding that it is not proposed to introduce legislation of this nature during the forthcoming session.	12
30	The Governor ...	Newfoundland 100	May 4 (Rec. May 27)	Transmits copy of Naturalization of Aliens Bill, which passed the Legislature during the current session.	13
<b>1916</b>					
31	To the Governor ...	Newfoundland 74	February 4	Expresses doubt as to the effectiveness of the Act referred to in No. 30, and suggests that legislation should be passed in Newfoundland expressly adopting Part II. of the Imperial Act.	13
32	The Governor-General	Commonwealth of Australia Telegram	(Rec. Feb. 11)	States that before submitting Bill to provide for the adoption in Australia of Part II. of British Nationality and Status of Aliens Act, Ministers desire to know whether in light of experience gained during the War His Majesty's Government is satisfied with the general principles of the Act, or whether any extensive amendments are contemplated.	14
33	To the Governor-General	Commonwealth of Australia Telegram	March 1	States, in reply to No. 32 that His Majesty's Government do not contemplate any amendment of the Act, and they consider it highly important that Part II. should be adopted throughout the Empire.	14
34	The Governor ...	Newfoundland 44	March 11 (Rec. Mar. 28)	States that a Bill will be introduced at the coming session to provide effectively for the adoption of Part II. of the Imperial British Nationality and Status of Aliens Act, 1914.	14
35	To the Governor ...	Newfoundland 553	August 14	States that His Majesty will not be advised to exercise his power of disallowance with respect to the Naturalization of Aliens Acts (Nos. XI. of 1915 and XI. of 1916).	15

#### RESOLUTION XIV.: CHEAPER CABLE RATES.

(See note on page 16.)

#### RESOLUTION XIX.: COMMERCIAL TREATIES.

##### A.

##### COMMERCIAL TREATIES.

##### (r) France.

<b>1918</b>					
36	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	May 13	Announces intention of France to denounce Commercial Treaties.	17



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1918</b>					
37	To the Governor-General	Canada Telegram Confidential	October 12	Reports denunciation by French Government of Commercial Treaties. Notice runs from 10th September. States that French Government proposes that Treaties should continue in force after denunciation would have taken effect subject to three months' notice. Invites observations of Ministers.	17
38	To the Governors-General and Governor	Australia, New Zealand, Union of South Africa, Newfoundland Telegram Confidential	October 12	Ditto.	18
39	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 606 Confidential	October 25	Transmits copies of notes from the French Ambassador regarding the decision of the French Government to denounce Commercial Conventions and Agreements.	18
40	The Governor-General	Union of South Africa Telegram	October 31 (Rec. Oct. 31)	States, in reply to No. 38, that Ministers have no observations to make.	23
41	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 639	November 6	Transmits, for information of Ministers, copies of an extract from the "London Gazette" containing a notice, issued by the Secretary of State for Foreign Affairs, regarding the denunciation by the French Government of certain Anglo-French Commercial Conventions.	23
42	The Governor-General	Canada 858	October 26 (Rec. Nov. 20)	Transmits, with reference to Nos. 36 and 37, copy of a minute of the Privy Council stating that the three months' notice clause is entirely unobjectionable to the Canadian Government.	23
<b>(2) Honduras.</b>					
<b>1915</b>					
43	To the Governors-General and Governors	Canada, 754 Commonwealth of Australia, 568 New Zealand, 437 Union of South Africa, 625 Newfoundland 411	August 10	Transmits copy of the new Treaty of Commerce and Navigation with Honduras, and inquires whether the Dominions desire that notice of adhesion should be given to it.	24

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1915</b>					
44	The Governor-General	Canada 591	October 4 (Rec. Oct. 15)	States that Ministers do not consider it advisable that Canada should adhere to the Commercial Treaty with Honduras.	25
45	Ditto ...	Union of South Africa 1061	September 27 (Rec. Oct. 21)	Transmits copy of Ministers' minute stating that it is deemed inadvisable for the Union to adhere to the Commercial Treaty with Honduras.	26
46	The Governor ...	New Zealand 203	October 12 (Rec. Nov. 23)	States that the Government desire that notice of adhesion to the Commercial Treaty with Honduras may be given in respect of New Zealand.	26
<b>1916</b>					
47	The Governor-General	Commonwealth of Australia 412	December 9 1915 (Rec. Jan. 21, 1916)	States that it is not desired that notice of adhesion to the Commercial Treaty with Honduras should be given in respect of the Commonwealth.	26
48	To the Governor ...	New Zealand 166	March 8	Transmits copy of a despatch from Guatemala stating that the adhesion of New Zealand to the Anglo-Honduran Treaty, 1910, will be considered as dating from 18th January, 1916.	27
<b>(3) Japan.</b>					
<b>1916</b>					
49	Foreign Office to Sir C. Greene (Tokio)	Telegram 123	March 23	Reports result of consultation with the Prime Minister of Australia on the question of the adhesion of the Commonwealth to the Anglo-Japanese Commercial Treaty.	28
50	Ditto ...	Telegram 126	March 25	Amplifies No. 49 as to Australia's desire regarding coasting trade.	28
51	Ditto ...	87	March 27	States that the Japanese Government is examining the points raised in regard to the adhesion of Australia to the Anglo-Japanese Commercial Treaty.	29
52	Mr. Shepherd to Mr. Davidson	Secret	April 5	States, with reference to Nos. 49 and 50, that Mr. Hughes's promise only amounted to a most-favoured-nation treatment with regard to Japan.	29
53	Mr. Butler to Mr. Drummond	—	April 6	Transmits copy of No. 52.	29
54	Mr. Dormer to Mr. Butler	—	April 7	States, with reference to No. 53, that the only basis put forward for negotiation is that of most-favoured-nation commercial tariffs.	30
55	Mr. Butler to Mr. Shepherd	Secret	April 10	Transmits copy of No. 54.	30
56	Foreign Office to Sir C. Greene (Tokio)	(Extract) 107	April 10	Forwards telegram from Baron Ishii dealing with the points raised in No. 49.	30



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1917</b>					
57	The Governor-General	Commonwealth of Australia Personal and Secret (Extract)	Jan 3 (Rec. Feb. 27)	Reports on Japanese activities.	31
<b>(4) Morocco.</b>					
<b>1918</b>					
58	To Foreign Office ...	(Extract)	December 21	Suggests an addition to Article VI. of the draft Convention with the French Government relating to Egypt and Morocco on lines indicated.	32
<b>(5) Portugal.</b>					
<b>1916</b>					
59	To the Governor ...	Newfoundland 757	October 30	Transmits copy of a despatch from His Majesty's Minister at Lisbon respecting the accession of Newfoundland to the Anglo-Portuguese Commercial Treaty, 1914.	38
60	To the Governors-General and Governors	Canada 1405 Commonwealth of Australia, 1182 New Zealand 978 Union of South Africa 1398 Newfoundland 865	December 11	Transmits copy of [Cd. 8402.] containing a Treaty of Commerce and Navigation between the United Kingdom and Portugal, of 12th August, 1914, which was ratified on 20th May, 1916.	33
<b>1917</b>					
61	The Governor-General	Commonwealth of Australia Telegram	(Rec. Apr. 5)	States that Government of Australia does not wish to adhere to the Anglo-Portuguese Treaty.	34
62	To the Governor-General	Canada 291	June 5	States circumstances in which it was decided to give formal notice of adhesion to the Treaty on the assumption that the Portuguese Government concurs in the view of His Majesty's Government that Article VI. of the Treaty referred to the United Kingdom only.	34
63	The Governor-General	Canada Telegram	August 4 (Rec. Aug. 5)	Inquires whether Canada is bound by Anglo-Portuguese Commercial Treaty.	34
64	Foreign Office ...	—	August 10	States that Mr. Balfour considers that His Majesty's Government are justified in assuming that the Portuguese Government agree with the British interpretation of the Anglo-Portuguese Commercial Treaty, and that the Canadian Government is bound by the Treaty.	35
65	To the Governor-General	Canada Telegram	August 14	Conveys purport of No. 64.	35

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1917</b>					
66	Foreign Office ...	—	August 22	Transmits copy of a despatch from Lisbon enclosing a Note from Portuguese Minister for Foreign Affairs to the effect that his Government do not agree with the interpretation placed by His Majesty's Government upon Article VI. of the Anglo-Portuguese Commercial Treaty.	35
67	To the Governor-General	Canada Telegram	August 30	States that Portuguese Government contend that Dominions and Colonies acceding to Treaty should pass legislation in terms of Article VI.	38
68	To Foreign Office ...	—	September 1	Wishes to defer expression of opinion on question of application of Article VI. of Anglo-Portuguese Commercial Treaty to Dominions, Colonies and Protectorates which have acceded to Treaty, until views of Governments concerned have been received.	38
69	To the Governor-General	Canada 461	September 3	Transmits copies of Nos. 64 and 66; calls attention to the contention of the Portuguese Government, and requests observations of his Ministers as to the method of dealing with the difficulty suggested in No. 66.	38
70	To the Governor ...	Newfoundland 120	September 3	Transmits copy of No. 66, and requests observations of his Ministers as to the method of dealing with the difficulty suggested in the Foreign Office letter.	39
71	The Governor ...	Newfoundland 150	September 26 (Rec. Oct. 26)	Forwards copy of a letter from the Colonial Secretary stating that preparation of legislation has been authorized with a view to bringing the Anglo-Portuguese Treaty into operation.	39
72	The Governor-General	Canada 791	November 7 (Rec. Dec. 3)	Transmits a copy of a Privy Council minute recommending, for the reasons given, that the Portuguese Government be informed that Canada withdraws its adhesion to the Anglo-Portuguese Commercial Treaty of 1914.	40
73	To Foreign Office ...	—	December 27	Transmits, with observations, copies of Nos. 71 and 72. Requests that Portuguese Government be informed of the decision of His Majesty's Government to withdraw the notifications of adhesion of all the Colonies, Protectorates, etc., except Newfoundland.	41
<b>1918</b>					
74	To the Governor-General and Governor	Canada 115 Newfoundland 25	March 6	States that Portuguese Government have been informed that His Majesty's Government have felt compelled to withdraw the notifications of adhesion to the Treaty of all Dominions and Colonies, except Newfoundland, which would enact legislation in the sense of Article VI., but that no reply has yet been received from the Portuguese Government.	42



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
(6) Russia.					
1918					
75	To the Governors-General and Acting Governor	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Dominions 733	November 13	Reports the denunciation by the Russian Government of the Commercial Treaty of 1859.	42
76	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 790	December 10	Transmits, for information of Ministers, a copy of a despatch from His Majesty's Ambassador at Petrograd announcing the denunciation by the Russian Government of the Commercial Treaty of 1859.	43
1918					
77	The Governor-General	Canada 910	December 21, 1917 (Rec. Jan. 10 1918)	Assumes that the Anglo-Russian Commercial Treaty of 1859 will terminate on 24th October, 1918.	44
78	To the Governor-General	Canada 49	January 29	Confirms the understanding in No. 77.	44
79	The Governor-General	New Zealand 57	March 7 (Rec. May 10)	States that a notification relative to the denunciation by the Russian Government of the Anglo-Russian Commercial Treaty of 1859 will be published in the "New Zealand Gazette."	44
(7) Switzerland.					
80	Ditto ...	Commonwealth of Australia Telegram	(Rec. Dec. 9)	Asks whether notice of withdrawal on behalf of Commonwealth Government from Articles IX. and X. of Anglo-Swiss Treaty, 1855, was duly given upon ratification of 1914 Convention.	45

## B.

## MOST FAVOURED NATION CLAUSES IN BRITISH COMMERCIAL TREATIES.

1918					
81	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram Confidential	February 26	Conveys text of Declaration regarding most-favoured-nation clauses in British Commercial Treaties which it is proposed to communicate to Allied and neutral Governments, and indicates policy which it has been decided to pursue during the period of reconstruction after the termination of hostilities with regard to Commercial Treaties; asks if Ministers see any objection to proposals.	45

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1918					
82	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 160 Confidential	March 15	Transmits copies of an Interim Report by the Imperial Trade Policy Committee.	46
83	The Governor-General	Canada Telegram Confidential	March 8 (Rec. Mar. 9)	States that Ministers see no objection to course proposed in No. 81.	48
84	Ditto ...	New Zealand Telegram	(Rec. Mar. 14)	States that Government concurs in policy proposed in No. 81.	48
85	The Governor ...	Newfoundland Telegram	April 2 (Rec. Apr. 3)	States that Ministers have no objection to proposals in No. 81.	48
86	The Governor-General	Canada Secret	March 20 (Rec. Apr. 6)	Transmits, with reference to No. 81, Privy Council minute setting forth views of Ministers respecting the post-war position of enemy Powers in relation to British Commercial Treaties.	48
87	Ditto ...	Union of South Africa Telegram	(Rec. Apr. 18)	States that Ministers see no objection to proposals in No. 81.	50
88	Ditto ...	Commonwealth of Australia Telegram	(Rec. Apr. 25)	Ditto.	50
89	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 548 Confidential	September 30	Transmits copies of despatches addressed to His Majesty's representatives in Allied and neutral countries on the subject of the post-war policy with regard to Commercial Treaties.	50
90	Ditto ...	Canada Secret Commonwealth of Australia Confidential (3) New Zealand Confidential (2) Union of South Africa Confidential Newfoundland Confidential	September 30	Invites reference to No. 81, and states that expressions of concurrence in the policy proposed were received from the other Dominion Governments.	62



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1918</b>					
91	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 572	October 14	Transmits copies of a telegram from the British Consul-General in Liberia, and of a despatch from His Majesty's Minister at Lisbon with reference to Commercial Treaties.	62
92	Ditto ...	Confidential Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 664 Confidential	November 20	Transmits a copy of a despatch from Paris enclosing a Note from the Montenegrin Government acknowledging receipt of a communication respecting His Majesty's reconstruction policy with regard to Commercial Treaties.	63

**RESOLUTION XXV.: MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.**

<b>1916</b>					
98	To the Governors-General and Governors	Canada 420, Commonwealth of Australia 574, New South Wales 31, Victoria 20, Queensland 27, South Australia 60, Western Australia 26, Tasmania 26, New Zealand 297, Union of South Africa 438, Newfoundland 253,	April 26	Transmits copies of a draft Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom, and other parts of the Empire, together with a memorandum on the subject.	65
<b>1917</b>					
94	The Governor ...	New South Wales 3	January 5 (Rec. Feb. 27)	Transmits copy of a report by the Deputy Prothonotary on the proposed Reciprocal Enforcement of Judgments Bill.	67
95	The Governor-General	Canada 157	March 5 (Rec. Mar. 17)	Transmits copies of replies from Quebec and New Brunswick expressing views of those Governments on the proposed Judgments Extension Bill.	68
96	To the Governor ...	Newfoundland Telegram	July 5	States that the introduction of Bill referred to in No. 93 has been postponed pending observations from the Oversea Governments.	70

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1917</b>					
97	To the Governors-General and Governors	Commonwealth of Australia 257, Victoria 25, Queensland 27, South Australia 44, Western Australia 24, Tasmania 19, New Zealand 109, Union of South Africa 324	July 14	Awaits observations of Ministers as to the proposed Judgments Extension Bill.	70
98	The Governor ...	Newfoundland 109 (Extract)	August 10 (Rec. Sept. 16)	States that the Bill to facilitate the Reciprocal Enforcement of Judgments, Orders and Awards in Newfoundland and other parts of His Majesty's Dominions, will be passed into law at present time subject to amendment in terms of the final decision of the Imperial and Dominion Governments.	71
99	The Governor-General	Union of South Africa 807	September 13 (Rec. Oct. 31)	States that Ministers consider that the machinery proposed in the draft Judgments Extension Bill appears adequate, but remark upon the procedure for providing certified copies of judgments.	71
<b>1918</b>					
100	Ditto ...	New Zealand 270	October 18, 1917 (Rec. Jan. 2, 1918)	States that Ministers approve the draft Bill, and will be prepared to introduce corresponding legislation.	71
101	The Governor ...	Tasmania 42	November 17, 1917 (Rec. Jan. 9, 1918)	States that upon Imperial Bill, referred to in No. 97, becoming law Ministers will introduce similar legislation.	72
102	Ditto ...	South Australia 88	December 8, 1917 (Rec. Feb. 1, 1918)	States that the Bill referred to in No. 97 is acceptable to the Government, and when the Imperial Bill is passed similar legislation will be introduced in South Australia.	72
103	Ditto ...	Victoria 4	February 5 (Rec. Apr. 3)	States that Ministers have no objection to the draft Bill referred to in No. 97 subject to some limitation as regards the nature of the judgments to which it can be applied.	73
104	To the Governors-General and Governors	Canada, Commonwealth of Australia, Queensland, Western Australia, Telegram Commonwealth of Australia 116	May 1	Requests reply to Nos. 93 and 97.	73
105	The Governor-General		April 15 (Rec. June 10)	States that Ministers see no objection to draft Bill referred to in No. 97.	74
106	The Governor ...	Western Australia 11	May 9 (Rec. June 27)	States that Ministers propose to introduce Bill identical with draft Bill forwarded in No. 93.	74



## II.

## IMPERIAL WAR CONFERENCE, 1917.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
CORRESPONDENCE AS TO PRELIMINARY ARRANGEMENTS.					
1916					
107	House of Commons Debates	—	December 19	Extract from the speech of the Prime Minister announcing the intention of His Majesty's Government to summon an Imperial Conference.	75
108	To the Governors-General and Governors of the Self-governing Dominions	Telegram	December 20	Refers to statement of Prime Minister as to the summoning of a Conference, and asks for early expression of Ministers' views as to date at which the Government's representatives could attend and the questions they would suggest for discussion.	75
109	Ditto ...	Telegram	December 25	Explains that what is intended is a special War Conference of the Empire, and invites the Prime Ministers to attend a series of special and continuous meetings of the War Cabinet; trusts that Prime Minister will be able to attend and that, if he cannot, he will nominate a substitute.	75
110	The Governor ...	Newfoundland Telegram	(Rec. Dec. 27)	Reports that the Prime Minister will attend.	76
111	The Governor-General	Union of South Africa Telegram (Extract)	(Rec. Dec. 28)	Reports that Ministers thank His Majesty's Government for invitation, and will certainly be represented; it may not be possible for Prime Minister to attend, but the Government will give their best consideration to this question and that of the possible substitute.	76
1917					
112	To Governors-General and Governors of the Self-governing Dominions	Telegram	January 1	States that if the Prime Minister desires to be accompanied by colleagues they will be welcome, but only he will be a member of the War Cabinet; His Majesty's Government will be prepared to confer on other questions awaiting decision between the Imperial Government and the Dominions.	76
113	To the Governor-General	Union of South Africa Telegram	January 6	Informs him that the Prime Minister agrees that it is highly desirable that General Smuts should attend the Conference, and the War Office will make the necessary arrangements.	77
114	The Governor-General	Canada Telegram	January 5 (Rec. Jan. 6)	Reports that Ministers consider it is the duty of the Prime Minister to attend the Conference; Parliament has been summoned for 18th January to facilitate matters; Prime Minister would greatly appreciate information of a more definite character as to questions to be considered.	77

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
1917					
115	The Governor-General	Australia Telegram	(Rec. Jan. 9)	Reports that his Prime Minister regrets that it does not appear probable that he will be able to attend the Conference if it is held before June.	77
116	Ditto ...	Union of South Africa Telegram	(Rec. Jan. 10)	Reports that Ministers have decided that it is impossible for the Prime Minister to leave, and that His Majesty's Government should be asked if General Smuts can be released from his command in order to enable him to proceed to Europe as the Prime Minister's representative.	78
117	War Office ...	—	January 16	Notice published in newspapers that General Smuts would represent the Union of South Africa at the special War Conference of the Empire.	78
118	To the Governors-General and Governors of the Self-governing Dominions	Telegram	January 22	Indicates general list of subjects to be discussed; any colleagues whom the Prime Minister may desire to attend will be welcomed; asks when representatives may be expected.	79
119	Ditto ...	Telegram	January 26	Specifies subjects which it is proposed to discuss, together with other matters not so directly connected with the War.	79
120	The Governor-General	Canada Telegram Secret	January 28 (Rec. Jan. 29)	Reports that the Prime Minister will leave not later than 10th February, and will be accompanied by the Minister of Naval Defence and another Minister.	80
121	The Governor ...	New Zealand Telegram	(Rec. Feb. 2)	Expresses appreciation of invitations in No. 118, but it is not proposed that the Dominions should be represented except by the Prime Minister and the Minister of Finance, who are already in England.	80
122	Ditto ...	New Zealand Telegram	(Rec. Feb. 15)	Forwards, from Acting Prime Minister, for communication to the Prime Minister, a list of subjects suggested for discussion.	80



## III.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE  
IMPERIAL WAR CONFERENCE, 1917.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
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## RESOLUTION I.: DEMOBILIZATION.

## RESOLUTION II.: UNIFORMITY OF EQUIPMENT.

## RESOLUTION III.: TRAINING OF ORDNANCE PERSONNEL.

## RESOLUTION IV.: NAVAL DEFENCE.

*The correspondence arising out of these Resolutions is printed in Dominions No. 72.*

## RESOLUTION V.: TRADE COMMISSIONER SERVICE.

1917					
123	To the Governors-General and Governor	Commonwealth of Australia, Canada, New Zealand, Union of South Africa, Newfoundland and Dominions 472	July 24	Transmits copy of a memorandum on the subject of the Trade Commissioner Service. Asks to be informed whether Ministers propose to utilize the services of the Commissioners on the lines suggested, and, if so, in what areas.	83
124	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland, Dominions 575	September 5	States that the appointment of a Trade Commissioner at Vancouver has been postponed for the present.	85
125	The Governor-General	Canada 688	August 31 (Rec. Sept. 18)	Forwards copy of Privy Council minute accepting the proposal that Ministers might utilize the services of the Trade Commissioners, and offering to meet increased expenditure which any additional work in the future may involve.	85
126	The Governor ...	Newfoundland 123	August 30 Rec. Oct. 4)	Transmits a copy of a letter from the Colonial Secretary urging that a separate Trade Commissioner may be appointed to Newfoundland, and asks that favourable consideration may be given to Ministers' request.	86
127	To the Governor-General	Canada 551	November 2	States that a copy of No. 125 has been forwarded by the Board of Trade to His Majesty's Trade Commissioners in the Self-governing Dominions calling attention to the desirability of co-operating with Canadian Trade Commissioners; the new Trade Commissioners to be appointed will be instructed as desired by the Dominion Government.	87

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
1917					
128	To the Governor ...	Newfoundland 166	November 14	States, with reference to No. 126, why the Board of Trade did not consider the creation of the suggested post justifiable, and that they will give specific instructions to the Trade Commissioner at Montreal to do everything in his power to promote British trade with Newfoundland.	88
129	The Governor-General	Australia 884	October 29 (Rec. Dec. 31)	States, in reply to No. 123, that His Majesty's Government will be communicated with later if it is desired to take advantage of the offer of the Trade Commissioner Service.	88
130	Ditto ...	Union of South Africa 952	November 12 (Rec. Dec. 31)	Transmits a copy of a minute from Ministers expressing appreciation of the offer of the assistance of the Trade Commissioners.	88
1918					
131	Ditto ...	New Zealand 267	October 17, 1917 (Rec. Jan. 2, 1918)	Indicates the steps which may be taken to utilize the Trade Commissioner Service.	89
132	To the Governor-General	Canada 80	February 12	Transmits a statement of the grades of Trade Commissioners and the places at which they are to be stationed. States that the sphere of operations of the Commissioners at Singapore and Trinidad is to be extended to include certain foreign territories, that Egypt shall have a Commercial Attaché, and that the Trade Commissioner at Calcutta shall include Ceylon within his sphere.	89
133	Ditto ...	Commonwealth of Australia 54	February 12	Ditto.	90
134	Ditto ...	New Zealand 39	February 12	Conveys purport of No. 132, and adds that Trade Commissioners concerned have been requested to render every assistance possible to the New Zealand Government.	91
135	Ditto ...	Union of South Africa 54	February 12	Contains purport of No. 132.	91
136	To the Governor ...	Newfoundland 17	February 12	Ditto.	92
137	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland and Dominions 187	March 6	States that the limitations upon expenditure preclude for the present provision for the appointment of a Commercial Attaché in Egypt.	93
138	To the Governor ...	Newfoundland Telegram	May 6	Inquires wishes of Ministers regarding question in No. 123.	98



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			<b>1918</b>		
139	The Governor ...	Newfoundland Telegram	(Rec. May 24)	Reports that Ministers are prepared to utilize Montreal Commissioner, reserving right to reconsider the whole matter after the War.	93
140	To the Governor ...	Newfoundland 81	July 31	Expresses doubt as to the meaning of No. 139, and inquires whether his Government intend simply that the Trade Commissioner at Montreal should act for Newfoundland or whether they can usefully avail themselves of the services of Trade Commissioners in other parts of the Empire.	94

# RESOLUTION VI.: PATENTS AND TRADE MARKS.

## (1) Correspondence regarding the Conference Resolution.

			<b>1917</b>		
141	To the Governor-Generals and Governors	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland 885 Confidential	May 29	Transmits copies of proceedings of the Imperial War Conference relating to Patents and Trade Marks; requests that the resolutions passed by the Technical Conference at Paris may be treated as strictly secret.	95
142	The Governor-General	Union of South Africa Confidential	September 10 (Rec. Oct. 12)	Transmits a minute and memorandum by Ministers dealing with the proposed amendments to the Patents and Trade Marks Laws consequent on the War.	95
143	Ditto ...	New Zealand Confidential	September 24 (Rec. Dec. 5)	States that resolutions dealing with question of Patents and Trade Marks will receive the careful consideration of the Government.	97
			<b>1918</b>		
144	To the Governors-General and Governor	Canada, Commonwealth of Australia, Newfoundland Confidential	March 6	Transmits copy of Nos. 142 and 143.	98
145	To the Governors-General	New Zealand, Union of South Africa Confidential	March 6	Transmits copy of No. [142] [143].	98
146	The Governor-General	Canada Confidential	April 25 (Rec. May 16)	States that the views and suggestions of the Department of Agriculture in regard to the proposals in Board of Trade memorandum on the question of Patents and Trade Marks are being embodied in a memorandum for the Conference.	98

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
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## (2) Legislation in the Self-Governing Dominions as regards Patents and Trade Marks.

### (a) Union of South Africa.

			<b>1918</b>		
147	Board of Trade ...	—	March 30	Transmits a copy of a memorandum from the Chartered Institute of Patent Agents suggesting that steps should be taken to render applicable to the United Kingdom the privileges afforded by section 41 (2) and (3) of the South African Patents and Designs Act, 1916. Recommends that the Union Government should accede to the International Convention, but failing this submits alternative proposal. Requests telegraphic communication with Union Government on the matter.	99
148	To the Governor-General	Telegram	April 6	States that representations have been made to His Majesty's Government by the Chartered Institute of Patent Agents regarding the South African Patents and Designs Act, 1916. Conveys purport of Board of Trade proposals on the matter, and requests views of Ministers.	102
149	Ditto ...	150	April 11	Transmits a copy of No. 147. For reasons stated, does not consider it desirable, during the War, to invite the Union Government to agree to notification of adhesion to Copyright Convention of 1908 or to the Convention for the Protection of Industrial Property.	103
150	The Governor-General	Telegram	April 27 (Rec. Apr. 27)	States, in reply to No. 148, that Ministers agree to the issue of a Proclamation under section 191 of Union Patents and Designs Act, of 1916, provided an Order-in-Council is issued in United Kingdom as suggested. Suggests that a date should be predetermined upon which both Proclamation and Order-in-Council should take effect.	103
151	To the Governor-General	Telegram	May 29	States that an Order-in-Council will be submitted to His Majesty applying, from 1st July next, provisions of section 91 of the Patents and Designs Act, 1907, to the Union, provided Government agree to issue Proclamation under section 191 of Union Act 9, of 1916.	103
152	The Deputy Governor-General	Telegram (Extract)	June 6 (Rec. June 7)	Reports, with reference to No. 151, that Union Proclamation will be issued to have effect from 1st July next.	104
153	To the Deputy Governor-General	Telegram	June 25	States that Order-in-Council was made on 25th June applying section 91 of the Patents and Designs Act, 1907, to the Union of South Africa with effect from 1st July.	104
154	To Governor-General	285	July 15	Transmits copy of an Order-in-Council, dated 25th June, applying section 91 of the Patents and Designs Act, 1907, to the Union of South Africa.	104



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			<b>1918</b>		
155	The Deputy Governor-General	581	July 1 (R.c. Aug. 20)	Transmits Proclamation of 26th June relative to the application of the Union Patents and Trade Marks Act, 1916, to the United Kingdom.	104
156	The Governor-General	817	October 14 (Rec. Nov. 27)	Transmits a copy of a minute from Ministers respecting the application to the Union of section 91 of the Patents and Designs Act, 1907, and the adhesion of the Union to the Copyright and Protection of Industrial Property Conventions.	105

(b) Newfoundland.  
(See note, page 106.)

#### RESOLUTION VII.: REPRESENTATION OF INDIA AT FUTURE IMPERIAL CONFERENCES.

			<b>1917</b>		
			June 9		
157	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 865	June 9	Draws attention to the Conference Resolution respecting the representation of India, and proposes, subject to the assent of the Governments concerned, that India shall be represented at the next Imperial Conference.	107
158	The Governor-General	Canada Telegram	July 4 (Rec. July 4)	Reports that Government assent to representation of India at next Imperial Conference.	107
159	The Governor ...	Newfoundland 103	August 2 (Rec. Sept. 5)	States that assent of the Newfoundland Government to representation of India at all future Imperial Conferences was given in April, 1917.	108
160	The Governor-General	Union of South Africa 645	August 7 (Rec. Sept. 19)	Transmits minute from Ministers stating that they do not propose to raise any objection to the representation of India at future Imperial Conferences.	108
161	Ditto ...	Commonwealth of Australia 294	August 10 (Rec. Oct. 1)	States that the Commonwealth Government assent to the proposal in No. 157.	108
162	Ditto ...	New Zealand 222	September 4 (Rec. Oct. 26)	Reaffirms telegraphic intimation that the terms of the Resolution relative to the representation of India at future Imperial Conferences have the entire approval and support of his Government.	109
163	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 748	November 19	Transmits, for information of Ministers, copy of replies to No. 157.	109

#### RESOLUTIONS VIII. and XII.: CARE OF SOLDIERS' GRAVES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			<b>1917</b>		
			May 28		
164	To the Governors-General and Governors	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 321	May 28	Encloses copies of an Order-in-Council approving the draft Charter to be granted to the Imperial War Graves Commission.	110
165	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 481	July 26	Asks that Ministers may be informed that the Army Council have been requested to bring to the notice of the Secretary of State for War, as Chairman of the Imperial War Graves Commission, Resolution XII., passed by the Imperial War Conference.	117
166	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 731	November 18	Transmits, for the information of Ministers, copy of a Press Bureau notice as to the constitution and scope of the Imperial War Graves Commission.	117

#### RESOLUTION IX.: CONSTITUTION OF THE EMPIRE. (See Dominions No. 66.)

#### RESOLUTION X.: NATURALIZATION.

			<b>1917</b>		
			May 18		
167	To the Governors-General and Governors	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 808	May 18	Transmits, with observations, a memorandum and draft Bill by the Home Office on the subject of nationality and naturalization, and asks for views of Ministers.	121
168	The Governor ...	Newfoundland Telegram	(Rec. 27 July)	States, with reference to No. 167, that Ministers concur in suggested amendment.	121
169	The Governor-General	Union of South Africa Telegram	(Rec. Aug. 15)	States, in reply to No. 167, that Ministers concur in provisions of Draft Bill.	122



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>1917</b>					
170	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 596	September 18	Transmits copies of a revised draft of the Bill to amend the British Nationality and Status of Aliens Act, 1914, and explains alterations made.	122
171	The Governor-General	Canada 668	September 15 (Rec. Oct. 5)	Transmits copy of a minute of the Privy Council recommending the issue in certain cases of Naturalization Certificates to persons of enemy alien birth.	125
172	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 706	October 31	States that in order to meet the difficulty raised by the use of the phrase "High Court," it is proposed to amend clause 2 (3) of the British Nationality and Status of Aliens Act, 1914, in the manner indicated.	126
173	The Governor-General	New Zealand Telegram	November 9 (Rec. Nov. 9)	States that British Nationality and Status of Aliens Act is not law in New Zealand; indicates the position of the law; Ministers prefer not to submit further proposals until the declaration of peace.	126
174	Ditto ...	Canada, 761	October 25 (Rec. Nov. 19)	Forwards copy of an Order-in-Council providing that, in certain cases, no notice of application for Naturalization Certificates need be given.	127
175	To Home Office ...	—	November 23	Draws attention to a paragraph, in Sir. R. Borden's manifesto, concerning the extension of the franchise to women.	128
176	Home Office ...	—	December 6	Expresses opinion, with regard to Sir R. Borden's statement of policy, that before any change is made in the law of nationality in any part of the British Empire, Governments of other parts should be consulted; suggests that close watch be kept, and steps taken, should occasion arise.	128
177	To the Governor-General	Canada 609	December 7	Assumes that, when certain cases have been disposed of, the Canadian Government will accept the general principles recognized by the Imperial Conference regarding naturalization of enemy aliens.	129
178	The Governor-General	Union of South Africa 978	November 22 (Rec. Dec. 31)	Transmits a copy of a minute from Ministers stating that they have no objection to the terms of the Bill to amend the British Nationality and Status of Aliens Act, 1914.	129

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>1918</b>					
179	The Governor-General	New Zealand 299	November 20, 1917 (Rec. Jan. 9, 1918)	Transmits copies of the Revocation of Naturalization Act, 1917.	130
180	To the Governor-General	Canada 45	January 29	Draws attention to a paragraph in Sir R. Borden's statement of policy, and requests an early intimation of the exact scope of any legislation which may be contemplated in regard to naturalization of women.	130
181	The Governor-General	New Zealand 1	January 10 (Rec. Mar. 11)	States that Ministers have no representations to make with respect to the terms of the revised draft Bill to amend the British Nationality and Status of Aliens Act, 1914, but they invite reference to No. 173.	131
182	Ditto ...	Canada 184	February 26 (Rec. Mar. 30)	Forwards, in reply to No. 180, a memorandum by the Prime Minister explaining proposals with regard to the extension of the franchise to women.	131
183	Ditto ...	Canada 188	February 27 (Rec. Mar. 30)	Submits proposals of Ministers for amending section 7, sub-section 3, of the British Nationality and Status of Aliens Act, 1914, in the manner indicated.	132
184	Ditto ...	Canada 229	March 14 (Rec. Apr. 5)	Forwards copy of an Order-in-Council sanctioning a regulation that enemy alien women married to British subjects since 4th August, 1914, shall be deemed to remain enemy aliens.	132
185	To the Governor-General	Canada Telegram	April 19	States that amendment proposed in No. 183 is receiving consideration. Assumes that Ministers concur otherwise in principle of proposed Bill.	133
186	Ditto ...	Commonwealth of Australia Secret	April 24	Makes observations on the Australian Naturalization Act, No. 25, of 1917. In view of desirability of uniformity in these matters throughout the Empire, trusts that Part II. of the British Act of 1914, will be adopted after the War; failing this suggests that a special conference of experts should discuss the question. Requests views of Ministers.	133
187	Ditto ...	New Zealand Secret	April 24	Sends observations on the Revocation of Naturalization Act, No. 8, of 1917, and asks for views of Ministers on proposals set forth.	134
188	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	May 31	Reports the addition of a proviso to first paragraph of sub-section 3 of substituted section 7 of the Naturalization Act, 1914.	135



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			<b>1918</b>		
189	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 388	June 18	Transmits, for information of Ministers, copies of the Bill to amend the British Nationality and Status of Aliens Act, 1914, as introduced into the Imperial Parliament.	136
190	The Governor-General	Canada 558	June 22 (Rec. July 11)	States, with reference to Nos. 185 and 188, that the Canadian Government acquiesce in the principle of the Naturalization Bill and is satisfied that it should be enacted subject to the amendment which they suggested.	136
191	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 567	October 10	Transmits copies of the British Nationality and Status of Aliens Act, 1918, and of House of Commons and House of Lords debates on the Bill.	136

## RESOLUTION XIII.: IMPERIAL MINERAL RESOURCES BUREAU.

			<b>1917</b>		
132	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 529 Confidential	August 17	Transmits copies of the Conference discussions, with memoranda, respecting the development and control of the Empire's mineral resources. States that the report of the Committee appointed to deal with the subject will be ready shortly.	137
198	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 646 Confidential	October 8	Transmits, to be laid before Ministers, copies of the Report of the Imperial Mineral Resources Bureau Committee. Requests Ministers' observations.	137

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			<b>1917</b>		
194	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	November 21	Asks for telegraphic reply to No. 193 and, if Ministers agree to scheme, requests that representatives be nominated forthwith.	188
195	The Governor-General	Commonwealth of Australia, Telegram	(Rec. Nov. 26)	Nominates Mr. W. S. Robinson as Commonwealth representative.	188
196	The Acting Governor	Newfoundland Telegram	November 27 (Rec. Nov. 27)	States that Ministers agree to scheme referred to in No. 194, and nominate Sir E. Morris as representative.	188
197	The Governor-General	Union of South Africa Telegram	December 6 (Rec. Dec. 6)	States that scheme referred to in No. 194 has approval of Ministers, and they recommend Mr. Schreiner as representative.	139
			<b>1918</b>		
198	Ditto ...	New Zealand, Telegram	(Rec. Jan. 24)	States that Government nominates Mr. Thomas Hutchinson Hamer, of the High Commissioner's Office, as representative.	139
199	Ditto ...	Canada Telegram	Mar. 15 (Rec. Mar. 15)	States that his Government approve of the formation of Imperial Mineral Resources Bureau to be located in London, and will send Dr. W. G. Miller as representative. Asks what date he should arrive in England.	139
200	To the Governor-General	Canada Telegram	April 10	States, in reply to No. 199, that Dr. Miller should arrive in United Kingdom by end of first week in May.	189
201	Ditto ...	Canada Telegram	April 19	States that as it is unlikely that the Imperial Mineral Resources Bureau will be in effective operation before the end of May, Dr. Miller should delay his departure.	140
202	The High Commissioner	Canada	June 3	Transmits copy of an approved minute of Treasury Board of Canada relative to the appointment of Dr. Miller as Canadian representative on the Advisory Body of the Imperial Mineral Resources Bureau.	140
203	The Governor-General	New Zealand Confidential	June 5 (Rec. Aug. 2)	States, in reply to No. 192, that Government will be pleased to furnish any information regarding New Zealand minerals which His Majesty's Government may require.	140

## RESOLUTION XIV.: PRODUCTION OF NAVAL AND MILITARY MATERIAL, MUNITIONS AND SUPPLIES.

(See Dominions No. 72.)

## RESOLUTION XV.: DOUBLE INCOME TAX.

(See note on page 143.)

## RESOLUTION XVI.: DEVELOPMENT AND CONTROL OF NATURAL RESOURCES.

(See note on page 144.)



# RESOLUTION XVII.: CONTROL OF IMPORTS AFTER THE WAR FROM PRESENT ENEMY COUNTRIES.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>1917</b>					
204	To Governors-General and Governor	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Dominions 672 Confidential	Oct. 17	Transmits, for information of Ministers, copies of proceedings of Imperial War Conference on the subject of the control, after the War, of imports from present enemy countries; the question of introducing legislation is under consideration.	145
205	To the Governors-General and Acting Governor	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Telegram Confidential	November 10	Reports proposed introduction of Imports and Exports Restriction Bill, and invites co-operation of Dominions Governments by arranging to legislate on similar lines.	145
206	The Governor-General	New Zealand Telegram	(Rec. Nov. 22)	States, in reply to No. 205, that New Zealand Government will co-operate with His Majesty's Government and will be prepared to introduce similar legislation.	146
207	To the Governors-General and Acting Governor	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Telegram	November 28	States that certain alterations from previous form have been made in Imports and Exports (Temporary Control) Bill.	146
208	Ditto ...	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Dominions 764	November 28	Transmits copies of Imports and Exports (Temporary Control) Bill in the form in which it has been presented to Parliament.	146
<b>1918</b>					
209	The Governor-General	Union of South Africa Confidential	Dec. 31, 1917 (Rec. Feb. 1, 1918)	Transmits copy of Ministers' minute on the Imports and Exports (Temporary Control) Bill, stating that legislation on the lines desired will be considered by Government.	147
210	Ditto ...	Union of South Africa Telegram	(Rec. Mar. 6)	States that the Union Government have grave doubts about the Bill; asks for information on points indicated.	147
211	To the Governor-General	Union of South Africa Telegram	March 12	Replies to questions in No. 210.	148

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>1918</b>					
212	To the Governor-General	Union of South Africa Telegram Confidential	March 12	Suggests, with reference to Nos. 210 and 211, that before discussion is initiated in the Union Parliament it would probably be better that Imperial legislation should be passed.	148
213	The Governor-General	Union of South Africa Telegram Confidential	(Rec. Mar. 13)	States that for reason given, if Bill is to be introduced this session it must be almost immediately, and that Ministers would be relieved if consideration of Bill might be left over till next session.	148
214	To the Governor-General	Union of South Africa Telegram Confidential	March 21	States, in reply to No. 213, that it is not proposed to introduce Bill in Imperial Parliament till after Easter, and that there is no objection to desired delay by the Union Government.	149
215	The Governor ...	Newfoundland Secret (Extract)	February 26 (Rec. Mar. 30)	States that Ministers have arranged to place the Imports and Exports (Temporary Control) Bill in the hands of Minister of Justice for any action required.	149
216	The Governor-General	New Zealand Secret (Extract)	April 4 (Rec. June 12)	States that the Government are prepared to submit a Bill during present year to restrict imports and exports after the War.	149

# RESOLUTION XVIII.: CONTROL OF WOOL SUPPLIES.

<b>1917</b>					
217	To the Governor-General and Governor	Canada, Newfoundland Confidential	July 30	Transmits, to be laid before Ministers, copies of a memorandum by the Board of Trade on the "Control of the Export of Certain Commodities after the War," and of the report of the discussion at the meeting of the Imperial War Conference regarding control of wool, and states that a Committee will be formed to frame a scheme for controlling wool supplies.	150
218	To the Governors-General	Commonwealth of Australia, New Zealand, Union of South Africa Confidential	July 30	Conveys purport of No. 217.	150
<b>1918</b>					
219	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 466 Confidential	August 26	Transmits copies of the Report of the East Indian Wool Trade Committee, dated July, 1918, and invites attention to the references to East India wool in the Report of the Committee of the Imperial War Conference on Raw Materials.	151



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			<b>1918</b>		
220	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand Union of South Africa, Newfoundland Dominions 494 Confidential	September 5	Transmits copy of a Report on Wool Supplies after the War, drawn up by the Conference with a covering note by the President of the Board of Trade.	151

## RESOLUTION XIX.: CONTROL OF ORES AND METALS.

			<b>1917</b>		
221	To the Governors-General and Acting Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland and Telegram Confidential	November 10	States that His Majesty's Government propose to introduce a Non-Ferrous Metals Bill, and asks for co-operation of Dominion Governments.	152
222	The Governor-General	New Zealand Telegram	(Rec. Nov. 14)	States that his Government will be pleased to co-operate and will be prepared to introduce legislation, at next favourable opportunity, similar to that indicated in No. 221.	152
223	To the Governors-General and Governor	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Dominions 763	November 28	Transmits, for information of Ministers, copy of Non-Ferrous Metal (Restriction) Bill.	153
224	The Governor-General	Commonwealth of Australia Telegram	December 9 (Rec. Dec. 9)	Transmits message from Prime Minister expressing the hope that limitation of period and restriction to non-ferrous metals will be deleted from Bill so that full effect of Paris Economic Conference may be carried out.	153
			<b>1918</b>		
225	Ditto ...	Union of South Africa Confidential (2)	Dec. 31, 1917 (Rec. Feb. 1, 1918)	Transmits a copy of a minute from Ministers stating, in reply to No. 221, that, for reasons given, there is no urgency for dealing with the control of smelting works within the Union, but that the question will be kept in mind.	153
226	Ditto ...	Canada Telegram	February 11 (Rec. Feb. 12)	States that Government is sympathetic towards legislation to regulate control over non-ferrous metal industry. Inquires why certain other mineral industries are not included.	154

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			<b>1918</b>		
227	To the Governor-General	Canada Confidential	February 19	Transmits copies of the Non-Ferrous Metal Industry Bill in various stages, the Act as passed, and a set of Hansard Reports thereon.	154
228	To the Governors-General and Governor	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Dominions 126	February 28	Transmits, for the information of Ministers, copies of the Non-Ferrous Metal Industry Act, 1918.	155
229	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 163	March 16	States that the Government of India will be prepared to introduce legislation similar to the Non-Ferrous Metal Industry Act, 1918; encloses copies of an extract from the "London Gazette" containing rules made by the Board of Trade under section VI. of the Imperial Act.	155
230	To the Governor-General	Canada Confidential	April 6	States, in reply to No. 226, the reasons which led His Majesty's Government to limit the scope of the Non-Ferrous Metal Industry Act.	155
231	Ditto ...	Commonwealth of Australia Confidential	April 6	Ditto.	156

## RESOLUTION XX.: CONTROL OF MEAT SUPPLIES.

			<b>1917</b>		
232	To the Governors-General	Canada, Commonwealth of Australia Telegram	May 30	Requests that a representative be nominated for the proposed Meat Supplies Conference; states that New Zealand will be represented by its High Commissioner.	157
233	To the Governor-General	Union of South Africa Telegram	May 30	Conveys terms of the Conference resolution as to the control of meat supplies, and asks for the nomination of a representative to serve on the proposed Meat Supplies Conference.	157
234	The Governor-General	Union of South Africa Telegram	(Rec. June 8)	Reports that Ministers have asked the High Commissioner to represent the Union at the Imperial Meat Supplies Conference.	158
235	Ditto ...	Canada Telegram	June 26 (Rec. June 26)	Nominates Sir G. Perley as Canadian representative at the Imperial Meat Supplies Conference.	158
236	Ditto ...	Commonwealth of Australia Telegram	July 10 (Rec. July 10)	Reports that the Commonwealth Government nominates the High Commissioner as its representative to confer with Board of Trade on the question of the control of meat supplies.	158



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			<b>1917</b>		
237	To the Governor-General	New Zealand Confidential	July 14	Requests that Ministers be informed that the High Commissioners for Canada, Commonwealth of Australia, and the Union of South Africa have been nominated to represent their Governments at the proposed Conference on meat supplies.	158
238	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Confidential	August 10	Transmits copies of the Imperial War Conference proceedings on the subject of the control of the Empire meat supplies; states that High Commissioners for Canada, Australia, New Zealand, and Union of South Africa have been appointed to represent their Governments at the proposed Conference.	159

#### RESOLUTION XXI.: IMPERIAL PREFERENCE.

(See note on page 160.)

#### RESOLUTION XXII.: RECIPROCITY OF TREATMENT BETWEEN INDIA AND THE SELF-GOVERNING DOMINIONS.

(See Dominions No. 70.)

#### RESOLUTION XXIV.: TEMPTATIONS OF OVERSEAS SOLDIERS.

(See note on page 162.)

### IV.

#### IMPERIAL WAR CONFERENCE, 1918.

##### CORRESPONDENCE AS TO PRELIMINARY ARRANGEMENTS.

			<b>1918</b>		
239	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram Confidential	February 27	Outlines programme of forthcoming Conference, and requests telegraphic notice of any economic questions it may be desired to raise, and that memoranda may be prepared and forwarded.	163
240	To India Office ...	Confidential	February 28	Transmits copy of No. 239; suggests that a telegram in a similar sense should be sent to Government of India.	163
241	The Governor-General	Commonwealth of Australia Telegram	(Rec. Mar. 22)	States subjects Commonwealth Government desires to see raised at Conference.	164
242	To the Governor-General	Commonwealth of Australia Telegram	March 26	Refers, in reply to No. 241, to Resolution XIV., of 1917 Conference, as regards the Pacific Question, and presumes Prime Minister will prepare a memorandum on specific points; asks whether Prime Minister desires his memorandum of May, 1916, to serve as basis of discussion as to Constitution of Privy Council and representation of Dominions thereon.	164

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
			<b>1918</b>		
243	The Governor-General	New Zealand Secret Telegram	(Rec. Apr. 1)	Sets forth views of Prime Minister regarding subjects for discussion at Imperial War Conference.	164
244	India Office ...	Confidential	April 3	Encloses copy of telegraphic correspondence with the Government of India regarding the subjects for discussion at Imperial War Conference.	165
245	To India Office ...	—	April 11	Observes that it seems doubtful whether time will permit of all the subjects mentioned in No. 244 being discussed, and questions desirability of further detailed discussion on naturalization, which was dealt with by Conference of 1917.	166
246	The Governor-General	Canada Telegram	May 5 (Rec. May 5)	Sends list of subjects suggested by his Government for discussion at Imperial War Conference, memoranda on which will be prepared and forwarded; will communicate any further subjects later.	166
247	Ditto ...	Commonwealth of Australia Telegram	(Rec. May 6)	States that the Prime Minister will endeavour to prepare memorandum with regard to subjects for discussion at Imperial War Conference, and suggests discussion of the subject of channels of communication between Dominions and Britain.	167
248	To the Governor-General	Commonwealth of Australia Telegram	May 11	Inquires, in reply to No. 247, what is covered by the new subject proposed.	167
249	India Office ...	—	May 29	Transmits telegraphic correspondence with Indian Government showing that memoranda of Indian Government on subjects for discussion will not be received before the arrival of Indian representatives; submits observations on various subjects put forward by Indian Government, and suggests that disappointment would be caused in India if the Conference should fail to consider the suggestion for a policy of reciprocity as regards the regulation of immigration.	167
250	To Governor-General	Commonwealth of Australia Telegram	June 1	Ask, with reference to No. 247, for some indication of points Prime Minister desires to raise at Conference as to channels of communication.	169
251	The Governor-General	Commonwealth of Australia Telegram	(Rec. June 3)	States that no reply has been received from Prime Minister respecting question in No. 248.	169



## V.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF  
THE IMPERIAL WAR CONFERENCE, 1918.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>RESOLUTION I.: IMPERIAL WAR GRAVES COMMISSION.</b>					
			<b>1918</b>		
252	To the Governors-General	Commonwealth of Australia, New Zealand Telegram	November 1	States that immediate steps are being taken to investigate condition of Gallipoli graves; Army is despatching Graves Registration unit to mark graves, to which an Australian and a New Zealand officer will be attached.	170
253	To the Acting Governor	Newfoundland Telegram	November 15	States that immediate steps are being taken to investigate condition of Gallipoli graves.	170
254(a)	Imperial War Graves Commission to Foreign Office	—	October 31	Urges that steps may be taken to secure land containing graves in Gallipoli in perpetuity.	170
254(b)	Foreign Office to Imperial War Graves Commission	—	December 11	States that matter referred to in No. 254 (a) is receiving full consideration with a view to its being put forward at the Peace Conference.	171

**RESOLUTION II.: NON-FERROUS METAL INDUSTRY.**

			<b>1918</b>		
255	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 622	October 31	Transmits, to be laid before Ministers, a copy of the Conference Resolution No. II., endorsing the principle of the Non-Ferrous Metal Industry Act; asks to be informed of any action taken in this matter.	172

**RESOLUTIONS III., IV. and XXIII.: CONTROL OF RAW MATERIALS.**

			<b>1918</b>		
256	The Governor-General	Union of South Africa Confidential	July 18 (Rec. Aug. 20)	Transmits a minute from Ministers on the subject of post-war control of raw materials.	174
257	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 455 Confidential	August 21	Transmits, with observations, copies of papers on the subject of the control of raw materials after the War, which were circulated to the members of the Imperial War Conference.	176

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			<b>1918</b>		
258	The Governor-General	Union of South Africa Confidential	August 20 (Rec. Oct. 1)	Transmits minute from Ministers forwarding copy of a letter from the Inspector of Mines, Pretoria, making certain suggestions as to the production of tungsten and other ores.	177
259	Ditto ...	Union of South Africa Confidential	October 8 (Rec. Nov. 19)	Transmits minute from Ministers covering statements summarizing information collected respecting certain raw materials and the Union's post-war requirements.	178

**RESOLUTION V.: IMPERIAL MEAT SUPPLIES.**

			<b>1918</b>		
260	To the Board of Trade	Confidential	August 28	Considers it desirable that the Report of the Committee on Imperial Meat Supplies, and the proceedings of the Conference on the subject, should be sent to the self-governing Dominions, and their observations invited on the Report, but before doing so asks for information on points specified.	185
261	Board of Trade ...	—	September 3	States that it is proposed to reconvene the Conference on Meat Supplies at an early date, and that at present the Board is unable to make any statement as to the policy of His Majesty's Government with regard to the proposals in the Report of the Committee.	185
262	To the Governor-General	New Zealand Telegram	October 10	Explains why it was not considered desirable to agree to the Prime Minister's wishes regarding the publication of the Imperial War Conference proceedings on the subject of meat supplies; sees no objection to a statement being made in New Zealand Parliament provided the reasons for the increased importation of meat supplies from America are made clear.	186
263	Ditto ...	New Zealand Telegram	October 10	Transmits statement by the Food Controller regarding the importation of North American meat.	187
264	The Governor-General	New Zealand Telegram	(Rec. Oct. 19)	Refers to No. 262, and reports that Prime Minister states that he must explain position to Parliament, but that he will do so without reference to Imperial Conference proceedings.	188
265	To Board of Trade ...	—	October 24	Inquires the position with regard to the reconvening of the Meat Supplies Conference.	189
266	Board of Trade ...	—	October 30	States, in reply to No. 265, that discussions are taking place with the Ministry of Food and sections of the meat importing trade, and that it is hoped to convene the Conference again at an early date.	189

**RESOLUTION VI.: ENEMY DEBTS.**

(See note on page 190.)



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>RESOLUTION VII.: IMPERIAL BUREAU OF MYCOLOGY.</b>					
267	To the Governors-General and Governor	Canada 478, Australia 416, New Zealand 209, Union of South Africa 501, Newfoundland 125	1918 November 14	Outlines the scheme for the establishment of the Imperial Bureau of Mycology which was laid before, and adopted by, the Imperial War Conference, and asks that arrangements be made for the payment of the proposed contributions to the Crown Agents for the Colonies.	191

**RESOLUTION VIII.: IMPERIAL STATISTICS.***(See note on page 192.)***RESOLUTION IX.: IMPERIAL NEWS SERVICE.***(See note on page 193.)***RESOLUTION X.: DYE MANUFACTURING INDUSTRY.**

268	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 628	1918 October 31	Transmits copy of the Conference Resolution X. on the subject of the Dye Manufacturing Industry, and asks to be notified of any steps which Ministers propose to take in the matter.	194
269	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 629 Confidential	October 31	Sends, with reference to No. 268, a copy of a memorandum on the Dye Manufacturing Industry.	194
270	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 684	November 28	Transmits Board of Trade memorandum on the subject of State assistance to the dye industry.	195

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>RESOLUTIONS XI. and XXIV.: SHIPPING.</b>					
271	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 703	1918 December 9	Transmits, with remarks, copy of a memorandum embodying proposals for the constitution of an Imperial Investigation Board; asks for observations of Ministers and name of proposed representative.	196

**RESOLUTION XII.: INTER-IMPERIAL PARCELS DELIVERY.**

272	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 67	1918 January 31	States, with reference to the establishment of a service for the collection of trade charges on postal packets, that the Postmaster-General proposes to submit to each of the Dominions Post Offices draft of the proposed agreement; urges the desirability of the adoption of the service.	198
273	The Governor-General	New Zealand 84	April 17 (Rec. June 14)	States that Ministers will give favourable consideration to scheme referred to in No. 272.	198
274	Ditto ...	Union of South Africa 536	July 5 (Rec. Aug. 20)	States that Ministers consider it is impracticable at present to introduce the system referred to in No. 272 owing to the opposition of interests.	199
275	Ditto ...	Commonwealth of Australia 376	October 28 (Rec. Dec. 10)	Refers to No. 272, and states that the Commonwealth Government is unable to agree to the extension of the system beyond the limits of the Commonwealth.	200
276	The Governor ...	Newfoundland 21 (Extract)	1919 March 4 (Rec. Mar. 18)	Encloses letter from Newfoundland Postmaster-General stating why the adoption of the system referred to in No. 272 is not recommended.	200

**RESOLUTION XIII.: CENTRAL EMIGRATION AUTHORITY.***(See note on page 201.)*



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
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## RESOLUTION XIV.: CABLE COMMUNICATIONS.

## (1) General Correspondence as to Reduction of Rates.

1918					
277	To the Governor-General	Canada Confidential	December 31	Draws attention to Conference Resolution No. XIV. on the subject of telegraphic rates within the Empire, and a State-owned cable across the Atlantic, and transmits, with observations, draft agreement between the Pacific Cable Board and the Canadian Pacific Railway Company for the lease of a land line between Halifax and Montreal, and correspondence as to telegraph and cable arrangements.	202
278	Ditto ...	Commonwealth of Australia Confidential	December 31	Draws attention to Conference Resolution No. XIV., and discusses the questions of the cheapening of cable rates and a State-owned Atlantic cable.	208
279	Ditto ...	New Zealand Confidential	December 31	Transmits, with observations, copies of Nos. 277 and 278.	210
280	Ditto ...	Union of South Africa Confidential	December 31	Ditto.	211
281	To the Governor ...	Newfoundland Confidential	December 31	Ditto.	216

## (2) Correspondence with the Government of Canada arising out of the recommendations in the Fifth Interim Report of the Dominions Royal Commission.

1917					
282	To the Governor-General	Canada 869	July 11	Invites attention to the recommendation of the Dominions Royal Commission as to the introduction of a system of licences for the landing of cables in Canadian territory; conveys opinion of the Postmaster-General, and asks whether Ministers contemplate any action in the matter.	217
1918					
283	The Administrator	Canada 20	January 9 (Rec. Feb. 11)	Submits the view of the Marine Department as to the difficulty of establishing preferential rates for Government messages, except by agreement with the companies concerned.	217
284	The Governor-General	Canada 153	February 20 (Rec. Mar. 14)	Transmits letter from the Department of External Affairs incorporating certain representations from the Department of Marine on the subject of cable rates between Canada and Newfoundland for Government messages.	218
285	To the Governor-General	Canada 201	May 2	States that the Postmaster-General is still of opinion that it would be advantageous if the Canadian Government were to introduce a system of licensing the landing of cables.	219

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
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## (3) Control of Cables by the United States Government.

1919					
286	To the Governor-General and Governor	Canada Newfoundland Secret	January 2	Transmits copies of telegraphic correspondence with British Embassy at Washington, and of a Proclamation relative to the control of marine cables by the United States Government.	219

## (4) Imperial Cable.

1917					
287	To the Governor-General	Canada Telegram	July 16	States that new Government cable will be open for traffic this week, and requests that arrangements be made for Canadian Government telegrams to be sent to this country by the new cable.	222
288	To the Governors-General and Governor	Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	July 16	Notifies the establishment of a Government cable between England and Canada; explains its origin.	223
1919					
289	To the Governor-General	Canada Telegram	February 6	States that Imperial cable has now been repaired, and it is hoped that former arrangements with regard to Canadian Government telegrams will be reverted to.	223
290	To the Governors-General and Governor	Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	February 22	States that Imperial cable, which has been broken for some time, is now repaired.	228
291	To the Governor-General	Canada Telegram	June 27	Inquires whether it is possible for all Canadian Government messages for this country to be sent v.a. Imperial cable.	224
292	Ditto ...	Canada Telegram	August 4	States that there is still room for additional traffic on the Imperial cable, particularly in homeward direction.	224
293	The Governor-General	Canada Telegram	August 6 (Rec. Aug. 7)	States that all Government Departments have been instructed to use the Imperial cable for messages to the United Kingdom.	224



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
<b>RESOLUTION XV.: CHANNELS OF COMMUNICATION.</b>					
			<b>1918</b>		
294	To the Governors-General and Governor	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Dominions 442 Confidential	August 15	Transmits, with observations, copies of proceedings of the Imperial War Conference and resolutions passed by the Imperial War Cabinet on the subject of Channels of Communication.	225
295	Ditto ...	Canada, Australia, New Zealand, Union of South Africa, Newfoundland Telegram Private and Personal	August 16	Notifies form of statement to Press announcing decision to arrange for the continuous representation of the Dominions in the War Cabinet, and for Dominions Prime Minister to communicate on certain matters direct with the Prime Minister of the United Kingdom.	226
296	The Governor-General	Australia Telegram Personal	(Rec. Aug. 21)	Asks for detailed information, by cable, as to arrangement concluded with Prime Minister and date on which it is to take effect.	226
297	To the Governor-General	Australia Telegram Personal	August 24	States, in reply to No. 296, that new system is designed to meet War conditions, and direct communication with Prime Minister is meant for exceptional circumstances.	227
298	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Telegram	September 18	Transmits, for publication, statement regarding the nature of new arrangement respecting channel of communication between the Dominions and the United Kingdom, and transmits extracts from speeches at Imperial Conference showing that statement in Oversea Press to the effect that Colonial Office methods of administration was the chief reason why this question was raised, is contrary to fact.	227
299	The Governor-General	Union of South Africa Telegram	(Rec. Sept. 17)	States that, for reasons given, he has taken the responsibility of withholding the publication of statement in No. 298.	228
300	To the Governor-General	Union of South Africa Telegram	September 19	States, in reply to No. 299, that the Secretary of State does not wish to interfere with Governor-General's discretion regarding the non-publication of statement in No. 298.	228
301	The Governor-General	Commonwealth of Australia Private and Personal	July 25 (Rec. Oct. 7)	Gives his views as to the suggested change whereby the Australian Prime Minister would be placed in direct relations with the British Prime Minister.	229
302	Ditto ...	Canada Confidential	October 8 (Rec. Oct. 29)	Forwards leading article from the "Montreal Gazette," of 30th September, commenting on the new arrangement.	230

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
			<b>1918</b>		
303	The Governor-General	New Zealand Confidential	October 3 (Rec. Nov. 27)	States that No. 294 will be brought to the notice of Ministers on the return of the Prime Minister from England; expresses appreciation of manner in which Secretary of State acted as guardian of the interests of Governors-General throughout the Imperial Conference discussions on channels of communications.	231
304	Ditto ...	Commonwealth of Australia Private and Personal	October 23 (Rec. Dec. 11)	Points out how important it is that the Colonial Office and the Governor-General should both receive copies of all messages exchanged through the new channel of communication.	231
305	Ditto ...	Commonwealth of Australia Private and Personal	October 28 (Rec. Dec. 11)	Makes further observations as to the new channel of communication especially as regards the effect upon the status of Governors-General.	232

**RESOLUTION XVI.: IMPERIAL MINERAL RESOURCES BUREAU.**

(See note on page 235.)

**RESOLUTION XVII.: DEMOBILIZATION.**

(See note on page 236.)

**RESOLUTION XVIII.: PETROLEUM.**

			<b>1918</b>		
306	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 653 Confidential	November 15	Transmits, to be laid before their Ministers, copy of a memorandum laid before the Imperial War Conference, 1918, on the subject of the Petroleum position of the British Empire, together with copies of proceedings at the Conference when the matter was discussed, and copies of the Resolution passed; requests views of his Government on points dealt with in the memorandum, and early intimation of any contemplated legislation.	237
307	Ditto ...	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 660 Confidential	November 19	Requests that Ministers be informed of slight alterations made in paragraph 5 of the memorandum, enclosed in No. 306, since its circulation to members of the Imperial War Conference.	237



Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
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## RESOLUTIONS XIX and XX.: NATIONALITY AND NATURALIZATION.

			1918		
			October 31		
308	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 631	October 31	Transmits, to be laid before Ministers, copies of the British Nationality and Status of Aliens Act, 1914, as amended in accordance with the Act of 1918, and copies of a memorandum on the amendments; invites attention to Conference Resolutions XIX. and XX., and reports action taken as to the Special Conference on questions of nationality and naturalization.	239

RESOLUTION XXI.: RECIPROCITY OF TREATMENT BETWEEN INDIA AND THE DOMINIONS.  
(See Dominions No. 70.)

## RESOLUTION XXII.: IMPERIAL COURT OF APPEAL.

			1918		
			October 31		
309	To the Governors-General and Governor	Canada, Commonwealth of Australia, New Zealand, Union of South Africa, Newfoundland Dominions 690	October 31	Transmits, to be laid before Ministers, copy of the Conference Resolution XXII. on the question of the institution of an Imperial Court of Appeal.	243

## VI.

## SHORTHAND REPORTS OF IMPERIAL CONFERENCE DEBATES.

			1918		
			September 12		
310	To the Governors-General and Governor	Commonwealth of Australia, Union of South Africa, New Zealand, Newfoundland Confidential	September 12	Summarizes a letter received from Sir Robert Borden urging the desirability of the abolition of the shorthand reports of the Imperial Conference debates, and requests views of Ministers on the question.	244
311	To the Governor-General	Canada Confidential	September 12	Transmits copy of No. 310.	244
312	To India Office	Confidential	September 12	Transmits copies of Nos. 310 and 311, and asks for views as to whether the shorthand reports of the debates of the Imperial Conference should be abolished.	245
313	The Acting Governor	Newfoundland Confidential	October 28 (Rec. Nov. 19)	States that his Ministers are of opinion that verbatim reports of Imperial Conference proceedings are undesirable, and that it would be sufficient to give the substance of the discussions and conclusions.	245

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page
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			1919		
			Nov. 29, 1918 (Rec. Jan. 11, 1919)		
314	The Governor-General	New Zealand Confidential	Nov. 29, 1918 (Rec. Jan. 11, 1919)	Reports that Ministers, for reasons given, do not agree that shorthand reports of Imperial Conference debates should be abolished.	245
315	Ditto ...	Union of South Africa Confidential	Dec. 5, 1918 (Rec. Jan. 20, 1919)	States, in reply to No. 310, that General Botha has been asked to discuss the question with General Smuts, and to reply direct to His Majesty's Government.	246
316	Ditto ...	Commonwealth of Australia Confidential	Dec. 2, 1918 (Rec. Feb. 12, 1919)	States that Commonwealth Government concurs in proposal to abolish shorthand reports of Imperial Conference debates subject to agreement of Mr. Hughes.	246

## VII.

## TRADE REPRESENTATION OF COMMONWEALTH OF AUSTRALIA IN THE UNITED STATES.

			1918		
			September 12 (Rec. Sept. 12)		
317	The Governor-General	Commonwealth of Australia Telegram	September 12 (Rec. Sept. 12)	Reports appointment of the Hon. H. Y. Braddon as Commissioner for Australia in the United States; states his functions; Commonwealth Government will be glad if action can be taken to cause his status to be officially recognized by the United States Government, and to enable him to get into direct touch with the British Ambassador at Washington.	247
318	To the Governor-General	Commonwealth of Australia 427	November 25	States that His Majesty's Chargé d'Affaires at Washington has been instructed to notify the United States Government, and His Majesty's Consular officers in the United States, of Mr. Braddon's appointment as Trade Commissioner for Australia.	247
319	The Governor-General	Commonwealth of Australia Miscellaneous (3)	September 26 (Rec. Nov. 27)	Amplifies No. 317.	247



## CORRESPONDENCE

[1917, 1918, and 1919 (Nos. 276, 286, and 289-293)]

RELATING TO THE

# IMPERIAL CONFERENCE, 1911, AND THE IMPERIAL WAR CONFERENCES of 1917 and 1918.

## I. CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE IMPERIAL CONFERENCE, 1911.

### RESOLUTION I.: CONSULTATION OF DOMINIONS AS TO INTERNATIONAL AGREEMENTS AFFECTING THEM.

That this Conference after hearing the Secretary of State for Foreign Affairs cordially welcomes the proposals of the Imperial Government, viz.: (a) that the Dominions shall be afforded the opportunity of consultation when framing the instructions to be given to British delegates at future meetings of the Hague Conference, and that Conventions affecting the Dominions provisionally assented to at that Conference shall be circulated among the Dominion Governments for their consideration before any such Convention is signed; (b) that a similar procedure where time and opportunity and the subject matter permit shall, as far as possible, be used when preparing instructions for the negotiation of other International Agreements affecting the Dominions.

#### (1) Peace Treaties with Chile, Peru, and Brazil.

55606

No. 1.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Sent 6.15 p.m., 26th November, 1918.)

TELEGRAM.

[Answered by Nos. 3, 4, and 5.]

(Canada.)  
(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

[To Canada and Newfoundland: 26th November.]

During recent visit to South America of Special Mission under Sir Maurice de Bunsen, question arose of concluding with certain South American States treaties for establishment of a Peace Commission similar to that concluded between United Kingdom and United States at Washington, 15th September, 1914, and matter was discussed with Governments of Peru, Chile, and Brazil.

In case of Peru, treaty in terms of that with United States was signed at Lima, 16th July, subject to ratification. Special circumstances attending negotiations with Peruvian Government precluded opportunity of your Government being consulted before signature, but ratification being deferred pending receipt of your Ministers' views.



In the case of Chile, His Majesty's Minister at Santiago now reports that Chilean Government are prepared to sign Convention on model of that between United Kingdom and United States.

In the case of Brazil, negotiations are still proceeding for conclusion of treaty on similar lines. As to this, despatch\* follows by mail.

Should be glad if you would inform me by telegram, at earliest possible date, whether your Government concur in ratification and signature, respectively, of treaties with Peru and Chile.—LONG.

55606

## No. 2.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

Dominions No. 693. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 4th December, 1918.

WITH reference to my telegram of the 26th ultimo,† I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of the original British draft of the proposed treaty‡ between the United Kingdom and Brazil for the establishment of a Peace Commission.

2. Copies of the Brazilian counter-draft§ and of the Peace Treaty between the United States and Brazil, of 24th July, 1914,† on which the Brazilian counter-draft is founded, are also enclosed.

3. His Majesty's Government are of opinion that Article 2, paragraph 3, of the Brazilian counter-draft cannot be accepted, and I enclose, for your Ministers' information, a paraphrase of a telegram which has been addressed to His Majesty's Minister at Rio de Janeiro.

4. The proposed treaty with Brazil was discussed at the Imperial War Cabinet on 2nd August. The Imperial War Cabinet authorized the Secretary of State for Foreign Affairs to proceed with the negotiations for the treaty.

I have, &amp;c.,

WALTER H. LONG

Enclosure 1 in No. 2.

EXTRACT FROM BRAZILIAN COUNTER-DRAFT OF A TREATY BETWEEN THE UNITED  
KINGDOM AND BRAZIL FOR THE ESTABLISHMENT OF A PEACE COMMISSION.

## Article 2.

EACH of the contracting parties may, at any time before the investigation begins, remove any member it has nominated, presenting at the same time his successor. Each Government shall also have the right to withhold its assent to the fifth member, in which case the new fifth member shall be nominated within thirty days from the date of notification by agreement between the two Governments; and, in the event of their not being able to come to an agreement, the shall be invited to make the nomination.

Enclosure 2 in No. 2.

FOREIGN OFFICE to SIR A. PEEL (RIO DE JANEIRO).

(Sent 7.30 p.m., 18th November, 1918.)

TELEGRAM.

(Paraphrase.)

No. 516. Peace Commission Treaty. Your despatch No. 10, Treaty, 6th June, 1918.

Subject to omission of Article 2, paragraph 3, and amendment of Article 2, paragraph 4, we accept Brazilian counter-draft.

\* No. 2.

† No. 1.

‡ Not reprinted.

§ Extract only printed.

We consider Article 2, paragraph 3, open to grave objection. Power of removal at any time before investigation actually begins might be abused, and its existence would shake confidence in tribunal. This objection applies equally to fifth member, and the whole paragraph should be deleted.

The wording of Article 2, paragraph 4, should be in the precise form shown in the original British draft.\*

59162

## No. 3.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.0 a.m., 7th December, 1918.)

TELEGRAM.

6TH DECEMBER. Your telegram 26th November.† Government of Newfoundland concurs in ratification of Peace treaties, Peru and Chile.—HARRIS.

60283

## No. 4.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.55 a.m., 12th December, 1918.)

TELEGRAM.

11TH DECEMBER. Your telegram 26th November,† treaties with Peru and Chile. Ministers concur.—BUXTON.

61410

## No. 5.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.45 p.m., 18th December, 1918.)

TELEGRAM.

YOUR telegram 26th November.† My Government concur in ratification and signature of treaties with Peru and Chile respectively.—LIVERPOOL.

(2) Arbitration Treaty with Uruguay.

13805

## No. 6.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 9.50 p.m., 20th March, 1918.)

TELEGRAM.

[Answered by Nos. 7, 8, 9, 10, and 11.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

20TH MARCH.—Urgent. His Majesty's Government desire to conclude Arbitration Treaty with Uruguayan Government, of which the following is substance:—

\* Secretariat Note.—i.e., follow the wording of Article III. (2) of the Peace Commission Treaty of 1914 with the United States. † No. 1.



1. All disputes of whatever nature which from whatever cause may have arisen between high contracting parties, and which it may not have been possible to settle by diplomacy, shall be submitted to arbitration.

2. Disputes which may have already been object of final settlement between contracting parties cannot be reopened in virtue of treaty. In such a case arbitration shall be exclusively limited to disputes which may arise concerning validity, interpretation, or execution of such settlements.

3. For settlement of disputes to be submitted to arbitration under treaty arbitrator shall be Sovereign or head of State, or President of Superior Court or Tribunal of Justice, or person of known competence in subject of dispute.

4. In case of failure to agree on appointment of arbitrator, parties shall abide by decision of permanent Arbitration Court established at Hague by Conventions of 29th July, 1899, and 18th October, 1907.

5. In each case contracting parties will sign special compromise appointing arbitrator and determining extent of his powers, matter in dispute, time limits, expenditure, and procedure to be adopted, all of which shall be fixed in language in which final decision of arbitrator shall be written.

6. Except in case of denial of justice, Article 1 shall not be applicable to disputes which shall have arisen between citizen or subject, society or corporation of one of the parties and the other contracting State when judges or courts of this last State are, according to its legislation, competent to decide such disagreement.

7. Treaty to remain in force for five years, and if not denounced by one of the parties one month before expiration of this period will be considered as renewed for further period of five years, and so on, for each successive period. If denounced during period already begun, treaty shall remain in force for one year from date on which one of the parties shall have notified its determination.

Shall be glad to learn that your Government have no objection to treaty, which it is desired, for political reasons, to conclude at earliest possible moment.—LONG.

14785

No. 7.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.55 p.m., 23rd March, 1918.)

TELEGRAM.

23RD MARCH. Your telegram of 20th March,\* Arbitration Treaty, Uruguay. My Ministers have no objection to proposed treaty.—DEVONSHIRE.

14967

No. 8.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.45 p.m., 25th March, 1918.)

TELEGRAM.

URGENT. Your telegram 20th March,\* Treaty with Uruguay. Ministers have no objection.—BUXTON.

\* No. 6.

15558

No. 9.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8.50 a.m., 29th March, 1918.)

TELEGRAM.

28TH MARCH. Your telegram 20th March,\* Arbitration Treaty, Government of Uruguay. My Ministers have no objection to Treaty.—HARRIS

15530

No. 10.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.50 p.m., 29th March, 1918.)

TELEGRAM.

29TH MARCH. Your telegram 20th March,\* Arbitration Treaty, Uruguay. Government of Commonwealth of Australia has no objection.—FERGUSON.

16316

No. 11.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.15 p.m., 3rd April, 1918.)

TELEGRAM.

WITH reference to your telegram of 20th March,\* my Government have no objection Arbitration Treaty with Uruguay.—LIVERPOOL.

(3) Renewal of Arbitration Agreements with the United States of America, France, Italy, and Spain.

22162

No. 12.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 11.40 a.m., 10th May, 1918.)

TELEGRAM.

[Answered by Nos. 13, 14, 15, 16, and 18.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

[To Canada and Newfoundland: 10th May.]

Following Arbitration Treaties with countries named will expire shortly failing formal extension by means of exchange of notes:—United States: Convention of 4th April, 1908, expires 4th June, 1918. France: Agreement of 14th October, 1903, expires 14th October, 1918. Italy: Agreement of 1st February,

\* No. 6.



1904, expires 1st February, 1919. Spain: Agreement of 27th February, 1904, expires 27th February, 1919.

It is proposed, in accordance with established practice, to renew above treaties for period of five years. Presume your Ministers concur.—LONG.

23741

No. 13.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.30 p.m., 14th May, 1918.)

TELEGRAM.

[Answered by No. 20.]

14TH MAY. My Government have no objection to renewal of treaties mentioned in your telegram of 10th May.\*—LIVERPOOL.

24241

No. 14.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.50 p.m., 16th May, 1918.)

TELEGRAM.

[Answered by No. 20.]

16TH MAY. Your telegram of 10th May,\* renewal of certain treaties of arbitration. Government of Canada concurs in action which His Majesty's Government proposes to take.—DEVONSHIRE.

24660

No. 15.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 6.15 p.m., 18th May, 1918.)

TELEGRAM.

[Answered by No. 20.]

YOUR telegram of 10th May,\* Arbitration Treaties. My Ministers agree.—HARRIS.

25469

No. 16.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.15 p.m., 25th May, 1918.)

TELEGRAM.

[Answered by No. 20.]

WITH reference to your telegram 10th May,\* Arbitration Treaties. Ministers concur in renewal.—BUXTON.

\* No. 12.

27727

No. 17.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 335.)
(Commonwealth of Australia.	
(New Zealand.)	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 15th June, 1918.

WITH reference to my telegram of the 10th May,\* regarding the renewal of certain Arbitration Treaties between the United Kingdom and certain foreign States, I have the honour to request [Your Excellency] [you] to inform your Ministers that an agreement for the renewal of the Arbitration Convention with the United States of America, which was due to expire on the 4th of June, was signed by His Majesty's Ambassador at Washington on the 3rd June.

I have, &amp;c.,

WALTER H. LONG.

34406

No. 18.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.55 p.m., 12th July, 1918.)

TELEGRAM.

[Answered by No. 20.]

12TH JULY. Your telegram of 10th May,\* renewal Arbitration Treaties United States of America, France, Italy, Spain. My Ministers concur.—MUNRO-FERGUSON.

47032

No. 19.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 566.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 10th October, 1918.

WITH reference to my despatch No. 335, of the 15th of June,† I have the honour to request [Your Excellency] [you] to inform your Ministers that the ratifications of the renewal of the Arbitration Convention between the United States of America and the United Kingdom were exchanged at Washington on 24th September.

I have, &amp;c.,

WALTER H. LONG.

\* No. 12.

† No. 17.



50127

No. 20.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 626.)

[MY LORD DUKE,] [SIR,] [MY LORD,]

Downing Street, 31st October, 1918.

WITH reference to my telegram of the 10th May,\* regarding the renewal of certain Arbitration Treaties and [Your Excellency's] [your] reply of the [16th May,]† [12th July,]‡ [14th May,]§ [25th May,]|| [18th May,]¶ I have the honour to transmit to you, to be laid before your Ministers, copies of notes exchanged between the Secretary of State for Foreign Affairs and the French Ambassador regarding the renewal of the Arbitration Agreement between Great Britain and France of 14th October, 1903.

I have, &amp;c.,

WALTER H. LONG.

Enclosure 1 in No. 20.

Ambassade de France en Angleterre,

Londres, le 8 Octobre, 1918.

MONSIEUR LE SECRETAIRE D'ETAT,  
VOTRE Excellence a bien voulu me faire connaître que le Gouvernement de Sa Majesté Britannique était disposé à renouveler pour une période de cinq années, à partir de la date de son expiration, la Convention d'arbitrage conclue entre nos Gouvernements de 14 Octobre, 1903, et déjà renouvelée deux fois depuis lors.

J'ai eu l'honneur de faire connaître à Votre Excellence que, de son côté, le Gouvernement de la République était également disposé à accepter le renouvellement de cet accord dans les conditions indiquées par le Gouvernement Britannique.

Si cette manière de procéder convient à Votre Excellence il sera entendu que la présente note et la réponse que Votre Excellence voudra bien me faire parvenir serviront à constater l'entente intervenue entre nos deux Gouvernements.

Veuillez agréer, &amp;c.,

PAUL CAMBON.

Son Excellence

Monsieur Balfour,

Principal Secrétaire d'Etat

pour les Affaires Etrangères.

Enclosure 2 in No. 20.

YOUR EXCELLENCY,

Foreign Office, S.W.1. 8th October, 1918.

I HAVE the honour to acknowledge the receipt of your note of this day's date, informing me that the French Government are prepared to renew, for a further period of five years from the 14th instant, the Arbitration Agreement concluded between the Governments of Great Britain and France on the 14th October, 1903, on the understanding that His Majesty's Government are equally prepared to agree to such renewal.

I have the honour to accept, on behalf of His Majesty's Government, the proposal that the agreement in question should be renewed for a further period of five years, dating from the 14th instant, and the present exchange of notes between Your Excellency and myself is accordingly regarded by them as placing upon record the understanding arrived at between our respective Governments in the matter.

I have, &amp;c.,

ARTHUR JAMES BALFOUR.

His Excellency

Monsieur Cambon,

&amp;c.,

&amp;c.,

&amp;c.

\* No. 12.

† No. 14.

‡ No. 18.

§ No. 13.

|| No. 16.

¶ No. 15.

## RESOLUTION VIII: PROVISION FOR DESERTED WIVES AND CHILDREN.

That, in order to secure justice and protection for wives and children who have been deserted by their legal guardians either in the United Kingdom or any of the Dominions, reciprocal legal provisions should be adopted in the constituent parts of the Empire in the interests of such destitute and deserted persons.

51360

No. 21.

COLONIAL OFFICE to LOCAL GOVERNMENT BOARD.

SIR,

Downing Street, 25th November, 1918.

WITH reference to your letter of the 7th November, 1914,\* relative to the draft Maintenance Orders (Facilities for Enforcement) Bill, I am directed by Mr. Secretary Long to request you to inform the Local Government Board that the Bill, as revised, was referred to the Governments of the Dominions and of the Australian States for their consideration.

2. In the case of all, except Canada, the Governments concerned have accepted the proposal for legislation on the lines of the draft Bill, and have undertaken to take steps to secure the enactment of reciprocal provisions in the event of legislation on those lines being passed by the Imperial Parliament. As regards Canada, the Dominion Government decided that the matter lay within the jurisdiction of the various Provinces, for whose consideration copies of the draft Bill were transmitted accordingly in December, 1915.

3. The observations of the Canadian Provincial Governments have not yet been received, but, in view of the time which has elapsed since their observations were invited, and of the fact that all the other Governments have accepted the scheme, Mr. Long desires to suggest to the Board that the Bill should now be proceeded with, the Canadian Provinces being left to come into the scheme or not as they may see fit.

I am, &amp;c.,

HENRY LAMBERT.

51360

No. 22.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 494.)

MY LORD DUKE,

Downing Street, 25th November, 1918.

I HAVE the honour to request your Excellency to invite the attention of your Ministers to my predecessor's despatch No. 1199, of the 17th December, 1915,† transmitting copies of the draft Bill to facilitate the enforcement in the United Kingdom of maintenance orders made in other parts of His Majesty's dominions and *vice versa*.

2. I have not yet received the observations of the Provinces on the subject, but, as the proposal for legislation on the lines of the Bill has been accepted by the Governments of all the other Dominions, the question of proceeding with the Bill is now under consideration.

3. I venture to express the hope that reciprocal legislation will commend itself to the Canadian Provinces generally.

I have, &amp;c.,

WALTER H. LONG.

\* No. 46 in Dominions No. 51. † 56232/15, transmitting copies of the Bill as requested in No. 27 of Dominions No. 59.



## RESOLUTION X: NATURALIZATION.

That the Conference approves the scheme of Imperial citizenship based on the following five propositions:—

- (1.) Imperial nationality should be world-wide and uniform, each Dominion being left free to grant local nationality on such terms as its Legislature thinks fit.
- (2.) The Mother Country finds it necessary to maintain five years as the qualifying period. This is a safeguard to the Dominions as well as to her, but five years anywhere in the Empire should be as good as five years in the United Kingdom.
- (3.) The grant of Imperial nationality is in every case discretionary and this discretion should be exercised by those responsible in the area in which the applicant has spent the last twelve months.
- (4.) The Imperial Act should be so framed as to enable each Self-Governing Dominion to adopt it.
- (5.) Nothing now proposed would affect the validity and effectiveness of local laws regulating immigration and the like or differentiating between classes of British subjects.

37473

No. 23.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Sent 4.15 p.m., 29th September, 1914.)

TELEGRAM.

[Answered by No. 24.]

(Canada.)  
(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

29TH SEPTEMBER. Your Ministers may, perhaps, like to know that in this country certificates of naturalization are not at present granted to subjects of enemy States, except to persons performing public service or work of utility, or for other special reasons.—HARCOURT.

38095

No. 24.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.5 p.m., 3rd October, 1914.)

TELEGRAM.

[Answered by No. 25.]

3RD OCTOBER. Your telegram 29th September.\* My Ministers consider in view of conditions in Canada and provisions of Canadian Naturalization Act, that subjects of enemy States who are settled in Canada and have completed residence necessary to local naturalization will not be excluded therefrom on sole ground of their being subjects of enemy States and, subject to any objection His Majesty's Government may suggest, it is proposed to continue this course.—ARTHUR.

\* No. 23.

40871

No. 25.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 826.)

SIR,

Downing Street, 27th October, 1914.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's telegram of the 3rd October,\* and, in reply, to request you to inform Your Ministers that His Majesty's Government do not offer any objection to their proposal with regard to the naturalization in Canada of subjects of enemy States who are settled in the Dominion and have completed the period of residence necessary to local naturalization.

I have, &amp;c.,

HARCOURT.

48222

No. 26.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4 p.m., 22nd December, 1914.)

TELEGRAM.

[Answered by No. 27.]

REFERENCE to my despatch of 20th August, Secret.† Is it proposed to introduce legislation adopting Act during present session?—HARCOURT.

1285

No. 27.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.52 p.m., 8th January, 1915.)

TELEGRAM.

YOUR telegram 22nd December,‡ British Nationality and Status of Aliens Act. Preparation of draft measure now in hand, but Parliament has adjourned till April next.—MUNRO-FERGUSON.

3685

No. 28.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th January, 1915.)

(No. 26.)

SIR,

Government House, Ottawa, 14th January, 1915.

I HAVE the honour to transmit, herewith, copies of an Order in Council approving of certain regulations and forms which are necessary for the carrying into effect of the Naturalization Act, 1914.

I have, &amp;c.,

ARTHUR.

\* No. 24.

† No. 70 in Dominions No. 51.

‡ No. 26.



Enclosure in No. 28.

(P.C. 3200.)

AT THE GOVERNMENT HOUSE AT OTTAWA, WEDNESDAY, THE 23RD DECEMBER, 1914.

*Present:*

HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS the Naturalization Act, 1914, under the provisions of section 36 thereof, will come into force on the 1st day of January, 1915;

And whereas it is also provided, by section 25 of the said Act, that the Governor-General in Council may make regulations generally for the carrying into effect of the objects of the said Act, respecting certain matters in the said section referred to;

And whereas the Secretary of State reports that for the due administration of the said Act certain regulations and forms are necessary, and submits the regulations and forms hereunto attached for approval;

Therefore His Royal Highness the Governor-General in Council is pleased to approve of the attached regulations and forms, and the same are hereby approved accordingly.\*

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

7298

No. 29.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th February, 1915.)

(Secret.)

SIR, Governor-General's Office, Pretoria, 20th January, 1915.  
I HAVE the honour to transmit to you herewith, with reference to your despatch Secret (2), of the 20th August,† copy of a minute from Ministers, dated 16th January, on the subject of a draft Bill for adopting in the Union Part II. of the British Nationality and Status of Aliens Act, 1914, of the Imperial Parliament.

I have, &amp;c.,

BUXTON,  
Governor-General.

Enclosure in No. 29.

(Secret.)

MINUTE No. 54.

Prime Minister's Office, Pretoria, 16th January, 1915.

WITH reference to His Excellency the Governor-General's minute No. 16/38, of 15th September, 1914, transmitting despatch Secret from the Right Honourable the Secretary of State for the Colonies on the subject of the British Nationality and Status of Aliens Act, 1914, of the Imperial Parliament, Ministers have the honour to state that a Bill has now been drafted for adopting in the Union of South Africa Part II. of the above-mentioned Act of the Imperial Parliament, and for other matters incidental to such adoption.

Ministers consider it desirable that before further action is taken the Imperial authorities should have an opportunity of scrutinizing the terms and form of the Bill, and six copies of the typed draft are therefore sent herewith for that purpose.

Ministers would, however, add that, though this Bill has been drafted, they do not propose to introduce legislation of this nature in the forthcoming session of the Union Parliament, as it is thought that the present time is not altogether appropriate for inviting Parliament to make further extensions to aliens in the Union of the privileges of British citizenship, or to increase the numbers who may acquire those privileges.

N. J. DE WET.

\* Not printed: see Supplement to Canada Gazette of 2nd January, 1915.  
† No. 70 in Dominions No. 51.

*Secretariat Note.*—The Bill was communicated to the Home Office and various criticisms on it set out in the Secretary of State's Secret despatch to the Governor-General of 8th September, 1915 (40254/15: not printed). In despatch No. 1077, of the 2nd October, 1915 (50154/15: not printed), the Governor-General reported that his Ministers did not propose to introduce the Bill into Parliament until after the conclusion of hostilities.

24303

No. 30.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 27th May, 1915.)

[Answered by No. 31.]

(No. 100.)

SIR,

Government House, St. John's, 4th May, 1915.

WITH reference to your despatch No. 91, of the 25th February last,\* and previous correspondence, I have the honour to annex copies of a Bill† which has passed the Legislature of Newfoundland during the current session, entitled "An Act respecting the Naturalization of Aliens."

I have, &amp;c.,

W. E. DAVIDSON.

1780

No. 31.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 34.]

(No. 74.)

SIR,

Downing Street, 4th February, 1916.

WITH reference to your despatch No. 100, of the 4th May last,‡ I have the honour to request you to inform your Ministers that some doubt has arisen as to whether the Newfoundland Naturalization Act, cap. XI., of 1915, constituted an effective adoption of Part II. of the Imperial "British Nationality and Status of Aliens Act, 1914."

2. I am advised that the Act incorporates, with variations, some (but not all) of the provisions of Part II. of the Imperial Act; that the proviso to section 8 (1) or section 9 of the latter Act are altogether omitted from the Newfoundland Act, and that the sections of the Imperial Act which are incorporated in the Newfoundland Act are so incorporated with variations which alter their effect. In the circumstances it is doubtful whether the Newfoundland Act is an effective adoption of Part II. of the Imperial Act.

3. I observe that the Act has apparently been based upon the similar legislation which has been passed in Canada; and I may state that the same difficulty would have occurred in the case of this legislation but for the fact that the Amending Canadian Act of 1914 recites in the preamble that by the Naturalization Act, 1914, the Dominion of Canada adopted Part II. of the Imperial Act.

4. In the case of the Newfoundland Act there is no such declaration of intention to adopt the Imperial Act; and, in view of the possibility of questions being raised hereafter in some part of His Majesty's Dominions as to the effective adoption of the Imperial Act, and of the importance to naturalized persons and their issue of leaving no doubt whatever upon the point, it seems desirable that an Act should be passed in Newfoundland expressly adopting Part II. of the Imperial Act and

\* 9463: not printed: this forwarded regulations and instructions under the Imperial Act of 1914.  
† i.e., Act No. 11 of 1915: not printed.  
‡ No. 30.



declaring (in order to prevent doubt) that the adoption shall have effect as from the passing of the existing statute.

5. I should be glad to learn whether your Ministers are willing to adopt this course.

I have, &c.,

A. BONAR LAW.

*Secretariat Note.*—This despatch arose out of the reference to the Law Officers of the 13th September, 1915, as to the Canadian and Newfoundland legislation, and their Report of 8th January, 1916 (No. 196B in Vol. VII. in Law Officers' Reports series).

6697

No. 32.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.2 p.m., 11th February, 1916.)

TELEGRAM.

[Answered by No. 33.]

BEFORE submitting Bill to provide for adoption in Australia of Part II. of British Nationality and Status of Aliens Act, 1914, Ministers would be glad to know whether, in light of experience gained since commencement of War, His Majesty's Government is satisfied with general principles of Act, or whether any extensive amendments are contemplated to be made at an early date.—MUNRO-FERGUSON.

9359

No. 33.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.32 p.m., 1st March, 1916.)

TELEGRAM.

YOUR telegram 11th February.\* His Majesty's Government see no reason to call in question general principles of Act, of which no amendment is contemplated. They consider it highly important that Part II. should be adopted throughout Empire.

Power to grant certificates under this Part discretionary, and practice now followed here, with hardly an exception, is that no persons of enemy nationality other than British-born women who have lost their original nationality by marriage and are now widows are being naturalized.—BONAR LAW.

14723

No. 34.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 28th March, 1916.)

[See No. 35.]

(No. 44.)

Government House, St. John's,

SIR,

Newfoundland, 11th March, 1916.

WITH reference to your despatch No. 74, of the 4th February,† on the subject of the Newfoundland Naturalization Act, cap. XI., of 1915, I have the honour

\* No. 32.

† No. 31.

to inform you that the Minister of Justice advises that a Bill will be introduced at the coming session of the Legislature to remove any doubt which may have arisen as to the effective adoption by the Newfoundland Legislature of Part II. of the Imperial British Nationality and Status of Aliens Acts, 1914.\*

I have, &amp;c.,

W. E. DAVIDSON.

25802

No. 35.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 553.)

Downing Street, 14th August, 1916.

SIR,

I HAVE the honour to request you to inform your Ministers that His Majesty will not be advised to exercise his power of disallowance with respect to the Acts, cap. XI., of 1915, entitled "An Act respecting the Naturalization of Aliens," and cap. XI., of 1916, entitled "An Act to Amend the Law respecting the Naturalization of Aliens," of the Newfoundland Parliament.

I have, &amp;c.,

A. BONAR LAW.

\* Passed as Act XI. of 1916 (not printed).

*Secretariat Note.*—For continuance of the correspondence as to Naturalization see under Resolution X. of the Imperial War Conference, 1917 (page 121).



**RESOLUTION XIV.: CHEAPER CABLE RATES.**

That, in view of the social and commercial advantages which would result from increased facilities for intercommunication between her dependencies and Great Britain, it is desirable that all possible means be taken to secure a reduction in cable rates throughout the Empire.

*Secretariat Note.*—For further correspondence on this subject see under Resolution XIV. of the Imperial War Conference, 1918 (page 202).

**RESOLUTION XIX.: COMMERCIAL TREATIES.**

That His Majesty's Government be requested to open negotiations with the several Foreign Governments having commercial treaties which apply to the overseas Dominions, with a view to securing liberty for any of those Dominions which may so desire to withdraw from the operation of the Treaty without impairing the Treaty in respect of the rest of the Empire.

"A"

Commercial Treaties.  
(1) France.

22308

No. 36.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Sent 12.15 p.m., 13th May, 1918.)

(Canada.)  
(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

TELEGRAM.

[Answered by No. 42.]

[Canada and Newfoundland only: 13th May.] Confidential. Private note has been received from French Embassy stating that French Government have decided to denounce commercial conventions and agreements and in general all agreements of a nature curtailing the liberty of France in commercial, industrial, maritime, and customs matters. Denunciation will affect not only commercial conventions properly so called but also treaties "d'établissement" and consular conventions. French Government desire to secure liberty of action in view of negotiations which will take place at the end of the War. Step is not taken in the spirit of distrust or exclusiveness. France has no intention of isolating herself or of retiring within herself. She wishes to be able to regulate her foreign relations in conformity with new situation resulting from the War. Date on which notice to terminate will begin to run, 15th May.—LONG.

46771

No. 37.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR GENERAL.

(Sent 4.0 p.m., 12th October, 1918.)

TELEGRAM.

[Answered by No. 42.]

12TH OCTOBER. Confidential.

My telegram 13th May.\* Formal notice now received from French Government as to denunciation of certain treaties of which list follows by mail. List includes Franco-Canadian Convention, 1907, and Supplementary Convention, 1909. Notice runs from 10th September. Objects as explained in my telegram of 13th May, and French Government propose that treaties in fact should continue in force after denunciation would have taken effect subject to three months' notice.

If your Ministers have any observations on this point should be glad to receive them.—LONG.

\* No. 36.



46771

No. 38.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Sent 4.0 p.m., 12th October, 1918.)

TELEGRAM.

[Answered by No. 40.]

(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

[Newfoundland only: 12th October.] Confidential. My telegram 13th May.\*  
Formal notice now received from French Government as to denunciation of  
certain treaties of which list follows by mail. List includes additional Articles  
1826 Convention. Notice runs from 10th September. Objects as explained in my  
telegram of 13th May, and French Government propose that treaties in fact should  
continue in force after denunciation would have taken effect subject to three months'  
notice. [Not to Australia: If your Ministers have any observations on this point  
should be glad to receive them.]--LONG.

46771

No. 39.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.(Canada.)  
(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

Dominions No. 606. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 25th October, 1918.  
WITH reference to my Confidential telegram of the 12th October,† I have the  
honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers,  
French Ambassador, 7th September, 1918; copies of notes from the French Ambassador,  
10th September, 1918; 16th April, 1917; dated 7th September and 10th September,  
9th May, 1917; 12th June, 1918.  
1918, regarding the decision of the French  
Government to denounce commercial conventions and agreements. Copies of earlier  
notes from the French Ambassador bearing on the subject are also enclosed.

I have, &amp;c.,

WALTER H. LONG.

Enclosure in No. 39.

(46771.)

NOTES FROM THE FRENCH AMBASSADOR.

(1)

Ambassade de France en Angleterre,

Londres, 7 Septembre, 1918.

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

EN indiquant à Votre Excellence, par ma Note du 12 Juin dernier, les motifs  
qui décidaient le Gouvernement de la République à dénoncer les traités de com-  
merce et traités économiques conclus par la France, je Lui avais marqué que mon  
Gouvernement ne pouvait attendre longtemps avant de mettre à exécution les  
mesures annoncées. Il s'agit, en effet, de permettre à la France de se présenter  
aux négociations de la paix libre de tout engagement que ses adversaires auraient  
pu lui opposer et d'envisager sans aucune entrave légale la réalisation dans l'avenir  
d'une politique économique dont le sens est actuellement impossible à déterminer.

\* No. 36.

† Nos. 37 and 38.

Ce dessein ne peut être accompli que si les dénonciations des conventions sont faites  
de manière à opérer toutes à une même date, que mon Gouvernement a fixée au 10  
Septembre, 1919. La plupart des conventions conclues entre la France et la Grande  
Bretagne comportant un délai de préavis d'un an, je notifie à Votre Excellence,  
par lettre séparée et sous la date du 10 de ce mois, la dénonciation des traités et  
conventions dont la liste est ci-annexée. En ce qui concerne l'Egypte, c'est en vue  
d'assurer l'uniformité du programme général de dénonciation des traités de com-  
merce que certaines stipulations de la Convention du 26 Novembre, 1902, ont été  
comprises dans cette liste; toutefois, il reste entendu que l'ensemble de cette con-  
vention demeure en vigueur par tacite reconduction jusqu'au jour où nos deux  
Gouvernements seront tombés d'accord sur un nouveau texte à substituer au texte  
de 1902.

Je dénoncerai, le 10 Mars prochain, l'Article II. de la Convention Franco-  
Britannique du 18 Septembre, 1897, relative à la Tunisie.

D'autre part, je propose à Votre Excellence de dénoncer l'arrangement du 27  
Juin, 1901, relatif aux relations commerciales entre la France et Zanzibar, qui ne  
contient pas de clause de dénonciation. Cette dénonciation porterait effet au 10  
Septembre, 1919.

Enfin, je suis chargé de demander au Gouvernement Britannique de réviser,  
en tant qu'ils comportent le traitement de la Nation la plus favorisée, le traité  
d'amitié et de commerce Franco-Mascatais du 17 Novembre, 1844, en ce qui con-  
cerne Zanzibar, et l'arrangement du 18 Septembre, 1897, relatif à la Tunisie, en  
ce qui concerne la clause de la nation la plus favorisée.

Les dénonciations de ces conventions une fois opérées, mon Gouvernement n'a  
pas l'intention, ainsi que je l'ai déjà expliqué à Votre Excellence dans mes  
précédentes communications, de modifier son régime économique d'ici au 10  
Septembre, 1919. Il veut seulement acquérir la liberté légale de la modifier dans  
l'avenir. Il propose donc au Gouvernement Britannique de convenir, à partir du  
10 Septembre, 1919, d'un délai uniforme de trois mois pour la dénonciation des  
accords énumérés ci-dessus. Si cette proposition était acceptée, les conventions  
économiques Franco-Britanniques resteraient en vigueur et seraient dénonçables  
avec un préavis de trois mois à dater du 10 Septembre, 1919.

Je serais reconnaissant à Votre Excellence de me faire connaître la réponse  
du Gouvernement Britannique aux propositions que je viens de Lui exposer  
et dont je suis d'ailleurs prêt à m'entretenir avec Elle.

Veuillez agréer, &amp;c.,

PAUL CAMBON.

Son Excellence

Monsieur Balfour,

Principal Secrétaire d'Etat

pour les Affaires Etrangères.

1. Convention de commerce et de navigation et articles additionnels du 26  
Janvier, 1826.

2. Convention du 30 Avril, 1862, relative aux Compagnies commerciales,  
industrielles et financières.

3. Convention commerciale et maritime du 28 Février, 1882.

4. Convention commerciale du 16 Avril, 1902, pour les Iles Seychelles.

5. Convention commerciale du 8 Août, 1902, pour la Jamaïque.

6. Convention commerciale du 19 Février, 1903, pour l'Inde.

7. Convention commerciale du 19 Février, 1903, pour Ceylan.

8. Convention commerciale pour les Protectorats britanniques de l'Afrique  
Orientale, de l'Afrique Centrale et de l'Ouganda, du 23 Février, 1903.

9. Convention commerciale du 9 Janvier, 1907, pour les Barbades.

10. Convention de commerce du 19 Septembre, 1907, et Conventions complé-  
mentaires du 23 Janvier, 1909, entre la France et le Canada.

11. Stipulations de la Convention de Commerce Franco-Egyptienne du 26  
Novembre, 1902, "en vertu desquelles le traitement de la nation la plus favorisée  
est assuré, de part et d'autre, à l'importation, aux marchandises des deux pays."  
(Article 26)



(2)

(46771.)

Ambassade de France en Angleterre,

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

Londres, 10 Septembre, 1918.

ME référant à ma lettre du 7 Septembre dernier, j'ai l'honneur de faire connaître à Votre Excellence que je suis chargé par le Gouvernement Français de lui notifier la dénonciation des Conventions suivantes :—

1. Convention de commerce et de navigation et articles additionnels du 26 Janvier, 1826.

2. Convention du 30 Avril, 1862, relative aux Compagnies commerciales, industrielles et financières.

3. Convention commerciale et maritime du 28 Février, 1882.

4. Convention commerciale du 16 Avril, 1902, pour les Iles Seychelles.

5. Convention commerciale du 8 Août, 1902, pour la Jamaïque.

6. Convention commerciale du 19 Février, 1903, pour l'Inde.

7. Convention commerciale du 19 Février, 1903, pour Ceylan.

8. Convention commerciale pour les Protectorats britanniques de l'Afrique Orientale, de l'Afrique Centrale et de l'Ouganda, du 23 Février, 1903.

9. Convention commerciale du 9 Janvier, 1907, pour les Barbades.

10. Convention de commerce du 19 Septembre, 1907, et Conventions complémentaires du 23 Janvier, 1909, entre la France et le Canada.

11. Stipulations de la Convention de Commerce Franco-Egyptienne du 26 Novembre, 1902, "en vertu desquelles le traitement de la nation la plus favorisée est assuré, de part et d'autre, à l'importation, aux marchandises des deux pays." (Article 26.)

Ces conventions comportant une clause préavis de douze mois, leur dénonciation portera effet au 10 Septembre, 1919.

Veuillez agréer, &amp;c.,

PAUL CAMBON.

Son Excellence

Monsieur Balfour,

&amp;c., &amp;c., &amp;c.

(55753.)

(3)

LE Gouvernement de la République a reconnu, après un examen attentif de la question, qu'il était nécessaire de prendre immédiatement des mesures afin de préparer la France à l'ordre nouveau qui résultera de la guerre dans les relations économiques internationales. C'est cette situation qui a fait l'objet des dispositions arrêtées par la Conférence Economique de Paris de 1916 et le système adopté par les Résolutions de cette Conférence ne saurait être établi qu'autant que les Puissances alliées auront fait table rase de toutes les entraves à leur liberté de conclure dans l'avenir de nouveaux accords.

C'est ce qui a amené le Gouvernement de la République à prendre la décision, dont l'Ambassadeur de France est chargé de faire part au Secrétaire d'Etat pour les Affaires Etrangères, de dénoncer les conventions de commerce et de navigation conclues entre la France et les autres états; cette mesure sera étendue aux clauses économiques contenues dans toutes les autres conventions.

Cette dénonciation est la conséquence directe des résolutions prises par les Alliés à la Conférence de 1916 et, sans cette dénonciation, il ne serait pas possible d'abolir la clause de la nation la plus favorisée que contiennent toutes les conventions existantes. Les Résolutions de la Conférence de 1916 ayant été publiées, leur mise en exécution ne saurait surprendre les Etats étrangers et les Etats neutres ne seront pas fondés à voir dans la dénonciation des traités de commerce et de navigation une mesure dirigée contre eux puisque cette mesure s'appliquera aux Conventions en vigueur avec les Alliés comme aux conventions avec les neutres.

Le Gouvernement de la République pense que les Gouvernements alliés seront amenés, par les mêmes préoccupations que lui, à prendre la même décision et à dénoncer leurs conventions de commerce et de navigation. Le Gouvernement italien est d'ailleurs entré déjà dans cette voie se conformant aux intentions indiquées par lui à la Conférence de Paris.

Dans ces conditions, les Gouvernements alliés auraient le plus grand intérêt, afin d'éviter les difficultés et les malentendus qui ne manqueraient pas de pro-

voquer des démarches isolées ou des procédés différents à l'adoption par tous les Etats Alliés d'une procédure identique. L'Ambassadeur de France est en conséquence chargé de proposer au Secrétaire d'Etat pour les Affaires Etrangères que les Gouvernements alliés se concertent en vue de dénoncer simultanément et par un acte collectif leurs conventions de commerce et de navigation.

Si le Gouvernement britannique et les autres Gouvernements alliés adhéraient à cette suggestion, ils pourraient adopter une formule qui indiquerait leurs raisons communes de prendre cette décision. Les Gouvernements alliés s'entendraient, en outre, pour déclarer que les conventions dénoncées pourraient continuer à produire effet jusqu'à l'établissement d'un régime nouveau, le *modus vivendi* ainsi instauré étant susceptible de prendre fin à tout moment sans obligation de préavis. C'est cette condition que la France prévoit pour ses propres dénonciations.

L'Ambassadeur de France serait heureux de connaître le plus tôt possible l'accueil que le Gouvernement britannique voudra bien réserver à ces propositions. Il attire l'attention de Monsieur Balfour sur la nécessité où la France se trouve de procéder immédiatement à la dénonciation de ses conventions, en raison du préavis d'un an exigé par la plupart des traités en vigueur.

M. Paul Cambon saisit cette occasion de renouveler à Son Excellence Monsieur Balfour les assurances de sa haute considération.

Ambassade de France,

à Londres,

16 Avril, 1917.

(4)

(55753.)

PAR une note en date du 16 avril dernier, l'Ambassadeur de France a eu l'honneur de faire part au Gouvernement britannique de la décision prise par le Gouvernement français de dénoncer les conventions de commerce et de navigation conclues entre la France et les autres états.

En vue d'éviter tout malentendu, M. Paul Cambon croit devoir ajouter que la mesure prévue par son Gouvernement vise les accords liant les colonies et les Pays de Protectorat de la France, comme ceux qui intéressent la Métropole.

M. Paul Cambon saisit cette occasion pour renouveler à Son Excellence Monsieur Balfour les assurances de sa haute considération.

Ambassade de France,

à Londres,

9 Mai, 1917.

(5)

(32355.)

PAR sa note du 16 Avril, 1917, l'Ambassadeur de France avait fait connaître au Secrétaire d'Etat pour les Affaires Etrangères que le Gouvernement de la République avait l'intention de dénoncer les traités de commerce et traités économiques conclus par la France en vue de s'affranchir des entraves de la clause de la nation la plus favorisée. Cette mesure était destinée à mettre à exécution une des principales résolutions de la Conférence Economique des Alliés; et le Gouvernement de la République proposait au Gouvernement Britannique, comme aux autres Gouvernements Alliés, d'adopter une attitude commune en conformité des Résolutions de 1916.

Ce dernier désir du Gouvernement Français n'a pu recevoir satisfaction; et, le temps passant, il a estimé ne pouvoir attendre davantage pour commencer l'exécution de la politique économique adoptée par les Alliés en 1916. Il a donc décidé de dénoncer prochainement les Traités de Commerce, de navigation et d'Etablissement, les Conventions Consulaires, en un mot, la plupart des traités économiques conclus par la France.

Son attitude, toutefois, reste celle qu'indiquait la note de M. Paul Cambon, du 16 Avril, 1917. Le Gouvernement Français annoncera aux Gouvernements étrangers qu'il ne compte modifier en rien, pour le présent, le régime contractuel de la France. Il veut seulement s'assurer la liberté de modifier ce régime



en réduisant uniformément à trois mois le délai de dénonciation inscrit dans ses divers traités et il règlera la procédure de dénonciation de manière à pouvoir faire, à un jour fixé, la table rase de ses engagements économiques.

Le dessein poursuivi par le Gouvernement de la République m'a été indiqué par M. Pichon dans les termes suivants :—

"En dénonçant aujourd'hui tous nos accords économiques, nous voulons simplement et avant tout recouvrer notre liberté d'action pour les négociations de paix. Cette liberté nous sera en effet rendue dans toute la mesure du possible dès l'instant que nous pourrions nous prévaloir de notre volonté, prouvée par un commencement d'exécution, d'écarter désormais de notre régime contractuel la clause générale de la nation la plus favorisée et le principe de l'assimilation de l'étranger au national pour l'exercice en France de certains droits économiques. Quant au statut même de nos relations économiques avec l'étranger, en dehors de cette double réforme que nous comptons y introduire le moment venu, nous réservons l'avenir. La paix une fois conclue et le trouble économique profond causé par cette guerre étant en voie d'apaisement, quand nous pourrions, en pleine connaissance de cause et suivant les données nouvelles, aborder pratiquement le travail de refonte de notre régime conventionnel, nos dénonciations auront produit leur effet et nous ne serons plus liés aux conventions existantes que par l'obligation d'un préavis de trois mois seulement, ce qui constituera, en bien des circonstances, un sérieux avantage."

M. Paul Cambon attire l'attention de M. Balfour sur la définition donnée par M. Pichon du dessein poursuivi par la France en dénonçant ses traités économiques. Il résulte des déclarations faites à la Chambre des Communes par le Chancelier de l'Echiquier, que le Gouvernement Britannique est animé des mêmes intentions et que la Grande Bretagne, comme la France, veut se réserver sa liberté d'action en vue des négociations de paix et pour la période qui suivra la guerre. Il serait très utile et conforme à l'esprit d'intimité qui caractérise les relations des deux pays de faire ressortir aux yeux des Etats Etrangers l'identité de leurs desseins. Le Gouvernement de la République n'a pas changé d'avis à ce sujet et actuellement, comme au mois d'Avril, 1917, il propose au Gouvernement Britannique de s'entendre afin d'affirmer la communauté, qui existe en fait, de leurs vues en matière économique.

Toutefois plus d'une année s'est écoulée depuis les premières ouvertures faites en ce sens; le Gouvernement Français a annoncé les mesures qu'il compte prendre à l'égard des Conventions économiques et il ne lui est plus possible ni de modifier la décision prise, ni d'en retarder l'exécution. Il espère encore que le Gouvernement Britannique voudra se joindre à lui dans l'exécution de ces mesures.

Si, tout en poursuivant le même but de libération, des entraves résultant de la clause de la nation la plus favorisée, le Gouvernement Britannique estimait devoir employer des procédés différents de ceux dont va user le Gouvernement Français, l'Ambassadeur de France croit qu'il serait néanmoins possible de démontrer aux Etats étrangers l'entente existant en matière économique entre la France et la Grande Bretagne. On pourrait, à cet effet, rédiger une sorte de déclaration identique sur le dessein des deux Gouvernements; la lettre de M. Pichon, citée ci-dessus, en fournirait le sens, et cette déclaration pourrait rappeler la Résolution de la Conférence de Paris. Cette déclaration serait remise aux Gouvernements étrangers par les Représentants français et britannique accrédités auprès d'eux et affirmerait l'entente existant entre la France et la Grande Bretagne en matière de politique économique.

M. Paul Cambon serait heureux de savoir si cette suggestion est agréée par le Gouvernement Britannique.

Ambassade de France à Londres.  
Albert Gate House,  
12 Juin, 1918.

52614

No. 40.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.55 p.m., 31st October, 1918.)

TELEGRAM.

31ST OCTOBER. Your telegram 12th October, Confidential.\* Treaties.  
Ministers have no observations to make.—BUXTON.

49988

No. 41.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 639.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 6th November, 1918.

WITH reference to previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of an extract† from the *London Gazette* of the 15th of October containing a notice issued by the Secretary of State for Foreign Affairs regarding the denunciation by the French Government of certain Commercial Conventions between France and the United Kingdom.

I have, &c.,  
WALTER H. LONG.

55757

No. 42.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th November, 1918.)

(No. 858.)

SIR, Government House, Ottawa, 26th October, 1918.

WITH reference to your telegrams of the 13th May and the 12th October,† on the subject of the denunciation by the French Government of all commercial conventions and agreements in order to secure liberty of action in view of negotiations at the end of the War, I have the honour to transmit herewith copy of an approved minute of the Privy Council for Canada stating that the three months' notice clause referred to is entirely unobjectionable to the Canadian Government.

I have, &c.,  
DEVONSHIRE.

\* No. 38.

† Not printed.

‡ Nos. 36 and 37.



Enclosure in No. 42.

(P.C. 2597.)

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 23RD OCTOBER, 1918.

THE Committee of the Privy Council have had before them a report, dated 21st October, 1918, from the Minister of Trade and Commerce, submitting that:—

On 13th May a cable was received from the Secretary of State for the Colonies conveying the information that the French Government had decided to denounce all commercial conventions and agreements; that this was done in order to secure liberty of action in view of negotiations at the end of the War and not from any spirit of distrust or exclusiveness.

On 12th October a further cable was received from the same source intimating that in the formal notice sent by the French Government the list of treaties to be denounced included the Franco-Canadian Convention of 1907 and the Supplementary Convention of 1909, and that the notice runs from 10th September, 1918. It was also stated that the French Government proposed that treaties should in fact continue in force after denunciation shall have taken effect, subject to three months' notice.

The Committee, on the recommendation of the Minister of Trade and Commerce, advise that the receipt of the above information be acknowledged and that Your Excellency may be pleased to inform the Secretary of State for the Colonies that the three months' notice clause is entirely unobjectionable to the Canadian Government.

All which is respectfully submitted for approval.

W. MACKENZIE,  
for Clerk of the Privy Council.

(2) Honduras.

35944

No. 43.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS:

[Answered by Nos. 44, 45, 46, and 47.]

(Canada. No. 754.)  
(Commonwealth of Australia. No. 563.)  
(New Zealand. No. 437.)  
(Union of South Africa. No. 625.)  
(Newfoundland. No. 411.)

[MY LORD,] [SIR,] Downing Street, 10th August, 1915.  
[Not to Australia: With reference to my predecessor's despatch [No. 874,] [No. 280,] [No. 320,] [No. 210,] of the 30th November, 1910,\*] I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, copies of the new Treaty† of Commerce and Navigation between the United Kingdom and Honduras, the ratifications of which were exchanged on the 21st June.

2. I shall be glad to learn whether it is desired that notice of adhesion to the treaty should be given in respect of [Canada,] [Australia,] [New Zealand,] [the Union of South Africa,] [Newfoundland,] as provided for under Article XXII.

I have, &c.,

A. BONAR LAW.

\* 34902, not printed. This despatch stated that a new treaty had been negotiated with Honduras (which replaced the Treaty of 21st January, 1887), containing the usual provisions as to the adherence and withdrawal of the Self-governing Dominions.

† [Cd. 7964.]

47636

No. 44.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 15th October, 1915.)

(No. 591.)

SIR,

Government House, Ottawa, 4th October, 1915.

WITH reference to your despatch No. 754, of the 10th August last,\* on the subject of the adherence of Canada to the new Treaty of Commerce and Navigation between the United Kingdom and Honduras, I have the honour to transmit, herewith, copy of an approved minute of the Privy Council for Canada setting forth the views of my Ministers and stating that, as the present trade between Canada and Honduras is very light and prospective trade not important, it is not advisable that Canada should adhere to the treaty.

I have, &c.,

ARTHUR.

Enclosure in No. 44.

(P.C. 2316.)

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS ROYAL HIGHNESS THE GOVERNOR-GENERAL ON THE 30TH SEPTEMBER, 1915.

THE Committee of the Privy Council have had before them a report, dated 28th September, 1915, from the Right Honourable the Secretary of State for External Affairs, to whom was referred a despatch, dated 10th August, 1915, from the Secretary of State for the Colonies, transmitting copy of the new Treaty of Commerce and Navigation between the United Kingdom and Honduras, and inquiring whether Canada desires to adhere thereto.

The Minister observes that, after an examination of the trade of Canada with Honduras, he finds that the imports from that country into Canada are negligible, and are, therefore, not shown separately in the Canadian Import Returns; and, on the other hand, the exports to Honduras in the last fiscal year amounted to only \$5,607 in value, of which \$5,077 consisted of whisky.

That, according to the latest trade statistics available as to the chief imports into Honduras, the following totals are given as being the only imports in which Canada might share, though the difficulties of transportation would no doubt prevent such trade being developed, that is to say:—

Cottons	...	...	...	...	...	...	\$1,122,642
Provisions	...	...	...	...	...	...	460,946
Iron and ironware	...	...	...	...	...	...	187,035
Timber	...	...	...	...	...	...	99,693

The Minister therefore recommends, with the concurrence of the Minister of Trade and Commerce, that, as the present trade is very light and prospective trade not important, it is not advisable that Canada should adhere to the treaty.

The Committee, on the recommendation of the Right Honourable the Secretary of State for External Affairs, advise that Your Royal Highness may be pleased to forward a copy hereof to the Secretary of State for the Colonies, for the information of His Majesty's Government.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

\* No. 43.



48515

No. 45.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st October, 1915.)

(No. 1061.)

SIR, Governor-General's Office, Pretoria, 27th September, 1915.  
I HAVE the honour to transmit to you herewith, with reference to your despatch No. 625, of the 10th August,\* copy of minute No. 1252, from Ministers, dated 23rd September, on the subject of the new Treaty of Commerce and Navigation between the United Kingdom and Honduras.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 45.

MINUTE No. 1252.

Prime Minister's Office, Pretoria, 23rd September, 1915.

WITH reference to His Excellency the Governor-General's minute No. 62/749, of the 8th instant, covering a despatch from the Right Honourable the Secretary of State for the Colonies, on the subject of the new Treaty of Commerce and Navigation between the United Kingdom and Honduras, Ministers have the honour to state that, in their opinion, it is inadvisable that notice of adhesion to the treaty should be given in respect of the Union of South Africa, as the treaty in no way benefits the Union, and might hereafter restrict the Union Government's freedom of action in dealing with the coasting trade of the Union.

J. C. SMUTS.

54017

No. 46.

## NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 23rd November, 1915.)

[Answered by No. 48.]

(No. 203.)

SIR, Government House, Wellington, 12th October, 1915.  
I HAVE the honour to inform you, in reply to your despatch No. 437, dated 10th August, 1915,\* that my Government desire that notice of adhesion to the treaty alluded to therein may be given in respect of New Zealand, as provided for under Article XXII.

I have, &c.,  
LIVERPOOL,  
Governor.

3362

No. 47.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 21st January, 1916.)

(No. 412.)

SIR, Commonwealth of Australia,  
Governor-General's Office, Melbourne, 9th December, 1915.  
WITH reference to your despatch No. 563, dated 10th August, 1915,\* relative to the new Treaty of Commerce and Navigation between the United Kingdom and

\* No. 48.

Honduras, I have the honour to inform you that I am advised by my Prime Minister that it is not desired that notice should be given of adhesion to the treaty in respect of the Commonwealth of Australia.

I have, &c.,  
R. M. FERGUSON,  
Governor-General.

10180

No. 48.

## NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 166.)

MY LORD, Downing Street, 8th March, 1916.  
WITH reference to Your Excellency's despatch No. 203, of 12th October, 1915,\* I have the honour to transmit to you, to be laid before your Ministers, a copy of a despatch from His Majesty's Minister at Guatemala, on the subject of the accession of New Zealand to the Treaty of Commerce and Navigation between the United Kingdom and Honduras which was signed at Guatemala on 5th May, 1910.

I have, &c.,  
A. BONAR LAW.

Enclosure in No. 48.

(No. 1. Treaty.)

SIR, British Legation, Guatemala, 5th February, 1916.  
ON receipt of your despatch No. 17, Treaty, of 3rd December,† I at once addressed a communication to the Honduran Government notifying the accession of New Zealand to the Treaty of Commerce and Navigation between the United Kingdom and Honduras, which was signed at Guatemala on 5th May, 1910.

I have the honour to transmit herewith translation of a note which I have received from the Honduran Minister for Foreign Affairs, from which it will be seen that the adhesion of the Colony to the treaty will be considered as dating from 18th January, 1916.

I have, &c.,  
ALBAN YOUNG.

The Right Honourable  
Sir Edward Grey, Bart., K.G.,  
&c., &c., &c.,  
Foreign Office.

HONDURANEAN MINISTER FOR FOREIGN AFFAIRS to MR. YOUNG.

Translation.

Ministry for Foreign Affairs of the Republic of Honduras,  
Tegucigalpa, 18th January, 1916.  
SIR, I HAVE had the honour to receive Your Excellency's note, dated the 29th of December last, in which you were pleased to notify my Government that, under instructions from His Majesty's Government and in conformity with Article XXII. of the Treaty of Commerce and Navigation between Honduras and the United Kingdom, signed on 5th May, 1910, the Colony of New Zealand adheres to the said treaty.

In informing Your Excellency that on this date due note has been taken by which the Colony of New Zealand is considered to have adhered to the treaty,

I avail, &c.,  
MARIANO VASQUEZ.

C. Alban Young, Esq., M.V.O.,  
&c. &c. &c.,  
Guatemala.

\* No. 46. † Not printed. This enclosed a copy of the Governor's despatch of 12th October (No. 46).



## (3) Japan.

14385

No. 49.

FOREIGN OFFICE to SIR C. GREENE (Tokio).  
(Communicated by Foreign Office to Colonial Office.)

(Sent 8.0 p.m., 23rd March, 1916.)

TELEGRAM.

(Paraphrase.)

No. 123. Your telegram No. 160 (of 21st March). After consultation with Prime Minister of Australia, I have informed Japanese Ambassador that former would be willing to negotiate for adhesion of Australia to our commercial treaty with Japan on the following basis:—

Australia must be absolutely assured against Japanese immigration. Despatch to Japanese Ambassador from Baron Kato, of the 15th January, 1915, expresses willingness to give assurance on this point. Particular form in which Australia should be assured can be discussed.

Australia to adhere to provisions which secure to Japan most-favoured-nation commercial tariff. Coasting trade to include trade between Australia and anything south of the Equator which is now or may hereafter become British territory, and to be reserved to Australia. There are special regulations in Australia for her coasting trade, which, in some cases, exclude in practice even British vessels.

Japan also reserves her coasting trade, and would no doubt treat as coasting trade any territory that she acquired north of the Equator, so there should be no difficulty on this point.

Question was raised by Japanese Ambassador of position of students or traders in Japan upon whom, he said, no restrictions were placed in Canada. He apparently contemplated negotiations with Australia on exactly the same footing as with Canada.

I said discussion I had with Mr. Hughes referred to nothing except tariff, immigration, and coasting trade, and that I had not been aware of any separate point such as that raised by Japanese Ambassador.

Australia did not want trading competition, and that was why she imposed a tariff. I feared there might be difficulties on the point raised by Japanese Ambassador, but I had not discussed it with Mr. Hughes, as I had not been aware of it.

I suggested that Japanese Ambassador should communicate with Japanese Minister for Foreign Affairs, and if negotiations on basis proposed were agreed to by the latter, the matter could be discussed with Mr. Hughes further.—E. GREY.

15505

No. 50.

FOREIGN OFFICE to SIR C. GREENE (Tokio).  
(Communicated by Foreign Office to Colonial Office.)

(Sent 6.30 p.m., 25th March, 1916.)

TELEGRAM.

(Paraphrase.)

No. 126. My telegram No. 123 (of 23rd March\*).

Australia would require to include in coasting trade all British possessions in the Pacific wherever situated. I will explain this to him when Japanese Ambassador receives instructions to discuss the matter. As I am not sure that I limited my verbal statement to Japanese Ambassador as definitely as in my telegram to you, you need not raise the point now. It is not one to which Japanese are likely to object, unless we were to claim something north of the Equator which Japan desires, and which did not belong to us before the War.—E. GREY.

\* No. 49.

15504

No. 51.

FOREIGN OFFICE to SIR C. GREENE (Tokio).  
(Communicated by Foreign Office to Colonial Office.)

(No. 87.)

SIR,

Foreign Office, 27th March, 1916.

THE Japanese Ambassador told me to-day that his Government had telegraphed to acknowledge the receipt of our statement\* on the question of Australian adhesion to our Commercial Agreement. The Japanese Government noted the various points mentioned by Mr. Hughes on behalf of the Commonwealth: several of those points were technical and raised legal questions. The Japanese Government would lose no time in having them examined, but some slight delay might elapse before their reply could be sent owing to the complexity of the subject.

I have, &amp;c.,

E. GREY.

*Secretariat Note.*—The telegrams of 23rd March and 25th March† were communicated to Mr. Hughes, Prime Minister of the Commonwealth of Australia, who was in England at the time, and the following correspondence ensued:—

14385

No. 52.

MR. SHEPHERD (PRIVATE SECRETARY to MR. HUGHES) to MR. DAVIDSON  
(ASSISTANT PRIVATE SECRETARY to MR. BONAR LAW).

[Answered by No. 55.]

(Secret.)

Commonwealth of Australia, Prime Minister,  
Hotel Cecil, London, W.C., 5th April, 1916.

DEAR MR. DAVIDSON,

WITH reference to the copies of correspondence† which you forwarded on the subject of the Australian coasting trade, I am instructed by Mr. Hughes to advise you that nothing he said during the course of his discussion involved support of the proposal to submit commercial treaty, except only so far as placing Japan on "favoured nation" basis in any tariff the Commonwealth may make, and his promise began and ended there.

Yours faithfully,

M. A. SHEPHERD,  
Secretary.

14385

No. 53.

MR. BUTLER (PRIVATE SECRETARY to MR. BONAR LAW) to MR. DRUMMOND  
(PRIVATE SECRETARY to SIR E. GREY).

[Answered by No. 54.]

DEAR DRUMMOND,

Downing Street, 6th April, 1916.

MR. BONAR LAW sent to Mr. Hughes, the Prime Minister of Australia, copies of your telegrams to Tokio of the 23rd of March and the 25th of March† on the subject of the adhesion of Australia to the commercial treaty with Japan. You will remember that those telegrams were based on the recollection which Sir Edward Grey, Mr. Bonar Law, and Sir John Anderson had of their conversation with Mr. Hughes. I enclose a copy of a letter‡ which we have received from Mr. Hughes's secretary in reply to our letter forwarding the telegrams. Will you please let Sir Edward see it?

Yours sincerely,

F. G. A. BUTLER.

\* See No. 49. † Nos. 49 and 50. ‡ No. 52.



4385

No. 54.

MR. DORMER (FOREIGN OFFICE) to MR. BUTLER (PRIVATE SECRETARY TO MR. BONAR LAW).

DEAR BUTLER,

Foreign Office, 7th April, 1916.

I SHOWED to Sir Edward Grey your letter of the 5th instant,\* enclosing one from Mr. Shepherd† on the subject of the adhesion of Australia to the commercial treaty with Japan.

Sir Edward asks me to say, in reply, that, as appears from his telegram to Sir C. Green, the only basis he has put forward for negotiation is that of most-favoured-nation commercial tariffs.

Sir Edward's recollection of the conversation with Mr. Hughes was that, besides the commercial tariff two other questions only were discussed:—

(1) Japanese immigration, which was barred; and

(2) Coasting trade, which was to be reserved and not open to foreigners.

If other points are raised he will reply that he can say nothing unless Mr. Hughes is consulted.

Yours sincerely,

C. F. DORMER.

14385

No. 55.

MR. BUTLER (PRIVATE SECRETARY TO MR. BONAR LAW) to MR. SHEPHERD (PRIVATE SECRETARY TO MR. HUGHES).

(Secret.)

DEAR SHEPHERD,

Downing Street, 10th April, 1916.

MR. BONAR LAW communicated to Sir Edward Grey your letter of the 5th of April,† relating to the telegrams to Tokio with regard to the adhesion of Australia to the Japanese Commercial Treaty. I enclose a copy of the reply,‡ which I have received from Sir Edward's Private Secretary. Will you kindly show it to Mr. Hughes.

Yours sincerely,

F. G. A. BUTLER.

18029

No. 56.

FOREIGN OFFICE to SIR C. GREENE (Tokio).

(Communicated by Foreign Office to Colonial Office.)

(Extract.)

(No. 107.)

SIR,

Foreign Office, 10th April, 1916.

THE Japanese Ambassador read to me the enclosed telegram.

The points connected with Australia I would refer to Mr. Bonar Law for the consideration of Mr. Hughes.

I am, &c.,  
(for the Secretary of State)  
W. LANGLEY.

\* No. 53.

† No. 52.

‡ No. 54.

Enclosure in No. 56.

BARON ISHII to THE JAPANESE AMBASSADOR.

TELEGRAM.

(Extract.)

(Paraphrase.)

5TH APRIL, 1916. With regard to the conversations you have had with Sir Edward Grey on the undermentioned subjects, you are hereby instructed as follows:—

(2) On the subject of the adhesion of Australia to the Anglo-Japanese Treaty. In regard to the assurances desired by the Australian Prime Minister:—

(a) Relating to the question of immigration, you report that an assurance satisfactory to the Australian Government is desired by him, in spite of the known intention that the Imperial Government are ready to give a similar assurance to that given to Canada. I would gather from this that the Prime Minister is desirous of being furnished with an assurance of a different character from that given to Canada. If that is the case, you will ascertain what is to be the nature of the assurance required.

As to the questions relating to (b), the coasting trade, and (c) the most favoured treatment respecting tariff. As Article 7 and Article 21 of the Anglo-Japanese Treaty contain express provisions in regard to these matters, these provisions will become operative upon the adhesion of Australia. You should, therefore, inquire whether Mr. Hughes considers these stipulations inadequate, and wishes to get some special assurances from us.

(d) We have no objection to the arrangement that Australia's adhesion to the Anglo-Japanese Treaty should be made subject to the approval of the Commonwealth Parliament.

Secretariat Note.—These papers were communicated to Mr. Hughes on 24th April, 1916.

10816

No. 57.

THE GOVERNOR-GENERAL OF THE COMMONWEALTH OF AUSTRALIA  
to THE SECRETARY OF STATE.

(Received 27th February, 1917.)

(Personal and Secret.)

(Extract.)

Melbourne, 3rd January, 1917.

THE Japanese are still pursuing their policy of peaceful penetration, and the Japanese Consul-General is urging the Commonwealth Government to extend trade facilities to his countrymen. The Prime Minister's offer to extend most favoured nation treatment to Japan was not considered by the Consul-General to fully satisfy the expectations of his Government.

Although the Japanese Government has publicly disavowed to the United States Government any intention of making claims for territory in the Pacific during the War, Japanese are quietly making their way in increasing numbers to some of the islands, notably New Caledonia, where they find employment in the mines.

I have just received a summarized report, taken from a Japanese newspaper, of an address given by Mr. K. Ukita, a member of the Japanese Trade Commission, on the subject of their recent tour of the Dutch East Indies, Borneo, and Australia, mention of which was made in Mr. Eliot's memorandum on Japanese trade enclosed in my Secret despatch of the 31st August last.\*

\* 49683: not printed.



Mr. Ukita remarks that "the sentiment towards Japanese has greatly improved since the beginning of the War, but when the question of the import of Japanese labour came up the public did not entertain the idea, an effort being made to keep the market a paradise of white labour." His concluding remark, that "as there are many complexities in the obtaining of privileges in the Philippines it is best for us to concentrate our efforts in Borneo, Java, and the Antipodes, where there is a still larger scope for development," would seem to indicate that they are working on the lines of least resistance.

(4) Morocco.

[See page 147 of Dominions No. 39.]

*Secretariat Note.*—On 8th July, 1912, H.M. Minister at Tangier reported that the Commissioner for Foreign Affairs had received instructions to sign a protocol on the lines suggested in Foreign Office despatch of 20th October, 1911 (page 147 of Dominions No. 39). On 22nd July, 1913, the French Ambassador wrote to the Foreign Office to the effect that it was advisable to defer negotiations until the recognition of the new situation in Morocco (i.e., recognition of the French Protectorate). There the matter rested until the letter printed below.

60392

No. 58.

COLONIAL OFFICE to FOREIGN OFFICE.

(Extract.)

SIR, Downing Street, 21st December, 1918.  
I AM directed by Mr. Secretary Long to acknowledge the receipt of your letter of the 10th December\* and of your note of the 12th December† regarding the draft Convention with the French Government relating to Egypt and Morocco.

2. It will be remembered that the Commercial Convention with Morocco of 9th December, 1856, to which reference is made in Article VI. of the revised draft Convention, is one in respect of which endeavour was made some years ago to secure to the Self-governing Dominions liberty of withdrawal. In Foreign Office letter of 9th July, 1912,‡ it was stated that the Commissioner for Foreign Affairs of Morocco had received instructions to sign a protocol providing for such withdrawal, but, so far as Mr. Long is aware, no protocol was actually signed. Mr. Long is of opinion that it would be well to take advantage of the negotiations with regard to the present Convention to carry out the arrangements contemplated in 1912, and he would suggest that it would be advisable to make an addition to Article VI. on the following lines:—

"Provided that it shall be open to His Britannic Majesty's Government at any time on giving three months' notice to that effect to terminate the Commercial Convention of 9th December, 1856, in respect of any part of His Majesty's Dominions outside the United Kingdom."

3. The period of three months has been suggested in view of the recent proposal of the French Government for three months' notice before the commercial treaties, which are being denounced, should actually cease to be in operation. The proviso has been worded in the manner shown in view of the fact that it is at present uncertain what territories may pass in the near future under the control of the Self-governing Dominions.

I am, &c.,  
HENRY LAMBERT.

\* 59847: not printed. † 60392: not printed. ‡ 21555, not printed: see Note above.

(5) Portugal.

50953

No. 59.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 757.)

SIR,

Downing Street, 30th October, 1916.

WITH reference to my despatch No. 674, of the 27th of September,\* I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a despatch from His Majesty's Minister at Lisbon, on the subject of the accession of Newfoundland to the Anglo-Portuguese Treaty of Commerce of the 12th of August, 1914.

I have, &c.,  
A. BONAR LAW.

Enclosure in No. 59.

(No. 248. Commercial.)

MY LORD,

Lisbon, 12th October, 1916.

WITH reference to my despatch No. 115, Commercial, of the 21st of May last,† I have the honour to report that I have received a note from the Portuguese Government acknowledging the receipt of my communication of 21st May notifying the accession of the Colony of Newfoundland to the Anglo-Portuguese Treaty of Commerce of the 12th of August, 1914.

I have, &c.,  
LANCELOT D. CARNEGIE.

The Right Honourable

Viscount Grey of Fallodon, K.G.,  
&c., &c., &c.

59868

No. 60.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

[Answered by No. 61.]

(Canada. No. 1405.)

(Commonwealth of Australia. No. 1182.)

(New Zealand. No. 978.)

(Union of South Africa. No. 1398.)

(Newfoundland. No. 865.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 11th December, 1916.

WITH reference to my despatch [No. 1015, of the 7th of September,‡] [No. 881, of the 7th of September,‡] [No. 710, of the 7th of September,‡] [No. 1019, of the 7th of September,‡] [No. 757, of the 30th of October,§] and previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a Parliamentary Paper [Cd. 8402] containing a "Treaty of Commerce and Navigation between the United Kingdom and Portugal," signed at Lisbon, 12th August, 1914. [Ratifications exchanged at Lisbon 20th May, 1916.]

I have, &c.,  
A. BONAR LAW.

\* No 70 in Dominions No. 59. † Enclosure in No. 64 in Dominions No. 59.  
‡ No. 67 in Dominions No. 59. § No. 59.



17872

No. 61.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.33 a.m., 5th April, 1917.)

TELEGRAM.

WITH reference to your despatch 11th December last,\* Government of Commonwealth of Australia does not wish to adhere to the Anglo-Portuguese Treaty.—MUNRO-FERGUSON.

27087

No. 62.

## CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 63.]

(No. 291.)

MY LORD DUKE,

Downing Street, 5th June, 1917.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 734, of the 13th December,† forwarding copy of an approved minute of the Privy Council of Canada relative to the adhesion of Canada to the Commercial Treaty with Portugal of the 12th August, 1914.

2. When your despatch reached me, a question had arisen as to whether the Portuguese Government understood that the application of this treaty to His Majesty's Dominions, Colonies, etc., under Article 21 did not involve the extension to such countries of Article 6, which refers only to the United Kingdom, while the rest of the treaty refers to His Majesty's territories generally, the position being precisely the same as under Article 8 of the treaty with Japan of the 3rd April, 1911, as to which it will be remembered that an agreement was reached with the Japanese Government that it would not apply to any part of the Empire which acceded to the treaty under Article 26.

3. His Majesty's Minister at Lisbon was accordingly instructed to inform the Portuguese Government that, in order to avoid any possible misunderstanding, His Majesty's Government desired to place on record that, in their view, inasmuch as Article 6 refers only to the United Kingdom, and not, like the other articles, to His Majesty's territories generally, its application is not involved by the application of the treaty to any of His Majesty's Dominions, Colonies, or Protectorates under Article 21. Pending a reply to this communication, it was deemed desirable to suspend the notification of the accession of Canada to the treaty. No reply had, however, been received by the beginning of May, and, as the time for making such notification would expire on the 19th May, it was decided to instruct His Majesty's Minister to give the formal notice of adhesion to the treaty and to inform them at the same time that this was done on the assumption that the Portuguese Government concurred in the view of His Majesty's Government that Article 6 applied to the United Kingdom only. Instructions in this sense were despatched to His Majesty's Minister by telegraph on the 15th May.

I have, &amp;c.,

WALTER H. LONG.

39148

No. 63.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.3 a.m., 5th August, 1917.)

TELEGRAM.

[Answered by Nos. 65, 67, and 69.]

4TH AUGUST. Your despatch 5th June, No. 291,‡ Canada adhesion to Commercial Treaty with Portugal, 12th August, 1914. My Ministers represent that as it does not definitely appear whether notification of such adhesion was

\* No. 60.

† No. 71 in Dominions No. 59.

‡ No. 62.

actually made and accepted by Government of Portugal with understanding that Article 6 applied to United Kingdom only, they inquire whether notification was so accepted, and if it is now to be considered that Canada is bound by treaty.—DEVONSHIRE.

39964

No. 64.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 11th August, 1917.)

SIR,

Foreign Office, S.W.1, 10th August, 1917.

I AM directed by Mr. Secretary Balfour to acknowledge the receipt of your letter of the 7th instant, transmitting a copy of a telegram\* from the Governor-General of Canada inquiring as to the precise position in regard to the application of the Anglo-Portuguese Commercial Treaty to the Dominion.

2. Mr. Balfour considers that as the Portuguese Government have not, after so long a lapse of time, repudiated or disputed the interpretation which His Majesty's Government place upon the treaty, and that as formal notice of Canada's adherence to the treaty was given within the proper time, His Majesty's Government are justified in assuming that the Portuguese Government agree with the British interpretation. On this hypothesis it would seem that the Canadian Government are bound by the treaty.

3. Mr. Balfour would suggest that a reply in the above sense should be sent to the Canadian Government.

I am, &amp;c.,

VICTOR WELLESLEY.

39964

No. 65.

## CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.30 p.m., 14th August, 1917.)

TELEGRAM.

14TH AUGUST. Your telegram 4th August.\* His Majesty's Minister, Lisbon, gave formal notice of adhesion Canada, 16th May, in terms of instructions embodied in my despatch 5th June.† As Portuguese Government have not, after so long lapse of time, repudiated or disputed interpretation which His Majesty's Government place upon treaty, and as formal notice of adhesion Canada was given within proper time, Secretary of State for Foreign Affairs considers justifiable to assume that Portuguese Government agree with British interpretation. On this hypothesis Secretary of State for Foreign Affairs of opinion that treaty binding on your Government.—LONG.

41897

No. 66.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 23rd August, 1917.)

[Answered by Nos. 68 and 73.]

SIR,

Foreign Office, S.W.1, 22nd August, 1917.

WITH reference to the Foreign Office letter of the 10th instant,‡ and to previous correspondence relative to the Anglo-Portuguese Commercial Treaty, I am directed by Mr. Secretary Balfour to transmit to you a copy of a despatch from His Majesty's Minister at Lisbon enclosing a note from the Portuguese Minister for Foreign Affairs to the effect that the Portuguese Government do not agree with

\* No. 63

† No. 62.

‡ No. 64.



the interpretation which His Majesty's Government place upon Article VI. of the treaty.

2. Mr. Balfour feels convinced that it will be useless to press the Portuguese Government to adopt the British view, and that some other way out of the difficulty must be found.

3. He would suggest, for the consideration of Mr. Secretary Long, that the simplest solution would be for the Colonial Office to ascertain which of the Dominions and Colonies which have adhered to the treaty are ready to enact legislation in the sense of Article VI. of the treaty; and that the adherence of such Colonies and Dominions as are not willing to enact legislation in this sense should be formally withdrawn.

4. Mr. Balfour desires to call attention again to the Foreign Office letter of 12th May,\* in which it was pointed out that the advantages secured by the treaty, i.e., most-favoured-nation treatment in Portugal, can be obtained by His Majesty's Overseas Dominions in virtue of Article XXI. of the treaty without the necessity of adherence to the treaty.

I am, &c.,

MAURICE DE BUNSEN.

Enclosure in No. 66.

(No. 171. Commercial.)

SIR,

Lisbon, 5th August, 1917.

I HAVE the honour to transmit to you herewith translation of a note from the Minister for Foreign Affairs in reply to the communication which I addressed to His Excellency on the receipt of your telegram No. 111A, of 12th February last, stating that His Majesty's Government desired to place on record that, in their view, inasmuch as Article VI. of the Anglo-Portuguese Commercial Treaty referred only to the United Kingdom, and not like the other Articles to His Majesty's territories generally, the application of the treaty to any part of His Majesty's Dominions, Colonies, etc., under Article XXI., did not involve the application of Article VI. to such Dominions, Colonies, etc. As you will perceive, Senhor Soares does not agree with the above interpretation of the treaty for the reasons set forth in his note.

In the final paragraph His Excellency takes note of the adhesions to the treaty which, in accordance with the instructions in your telegram No. 336 of 15th May,† I communicated to him, stating when I did so that such adhesions were notified on the assumption that as no reply to my note of February last had been received from the Portuguese Government the latter concurred in the views of His Majesty's Government in respect of Article VI.

I have, &c.,

LANCELOT D. CARNEGIE.

The Right Honourable

A. J. Balfour, O.M., M.P.,

&c., &c., &c.

Translation:

(Received 3rd August.)

Ministry for Foreign Affairs,

Lisbon, 31st of July, 1917.

SENHOR MINISTRO,

I HAD the honour, in due course, to receive the note which Your Excellency addressed to me on the 13th of February last, informing me of the opinion of your Government that, inasmuch as Article VI. of the Anglo-Portuguese Commercial Treaty refers only to the United Kingdom, and not, like the other Articles, to His Majesty's territories generally, the application of the said treaty to any British Dominions, Colonies, Possessions, or Protectorates, under the provisions of Article XXI., does not involve the application of the said Article VI. to such Dominions, Colonies, Possessions, or Protectorates.

I have delayed my reply to that note, as well as to those of the 16th of May and 10th of June, notifying different adherences consequent upon the above inter-

\* 24697: not printed, as it contained no material point other than that here mentioned.

† See paragraph 3 in No. 62.

pretation, because I have been awaiting definite information from the Portuguese Legation in London respecting the views of the British Government with regard to the proposal made by the French Government to the Allies for the denunciation, by means of a collective note, of all treaties of commerce and navigation either between us or with neutrals.

Had that reply, the study of which has been prolonged as you are doubtless aware, resulted in favour of such a proposal, and had the Portuguese Government also agreed to it, the question of the interpretation put forward by Your Excellency would thereby have ceased to exist.

Now, however, knowing that His Britannic Majesty's Government are disposed not to accept the French proposal, I hasten to reply to the above-mentioned notes from Your Excellency, without prejudice, however, to the liberty which the Portuguese Government continue to reserve to themselves of forming an opinion on the proposal which has been communicated to me through the French Minister.

The Government of the Republic cannot help disagreeing with the interpretation of the treaty as defined by Your Excellency, in that they consider it contrary to the intention of the negotiators and to the spirit and even to the letter of the said treaty.

That the intention of the negotiators was not to restrict the favour granted to Portuguese wines merely to the United Kingdom is shown by the fact—in spite of the lengthy discussion which the wording of Article VI. gave rise to, both during the negotiations for the treaty and up to the exchange of ratifications—that this Ministry neither offered the slightest objection to the employment of the expression "United Kingdom," nor did those who conducted the negotiations in London consider themselves called upon as a question of mere loyalty, in a case of such importance, to advise us through Your Excellency of the interpretation now brought forward.

When it is considered, in the case of Portugal, that the principal reason for the existence of the treaty is the clause, clearly defined, in Article VI., the one under which we can justify the concessions, without compensation, which we grant through it to England in the matter of customs, it is not reasonable to suppose that we did all this merely in exchange for the recognition of the marks on our wines in Great Britain and Ireland, with the exclusion of all the British Dominions, Colonies, Possessions, and Protectorates, and without at least having taken any steps towards binding those territories to a similar recognition.

This acceptance of the text of Article VI. as it now stands was not an inadvertence on our part.

As I told Your Excellency, I firmly believe that the spirit and the letter of the treaty confirm the fact that no different wording was necessary in order that any adherences to it should involve the obligation of accepting that clause.

Article XXI. reads:—

"The present treaty shall extend, as regards Portugal, to the Mother Country and adjacent islands (Madeira, Porto Santo, and Azores), but shall not extend to any of the Dominions, Colonies, Possessions, or Protectorates of either contracting party unless notice of the desire of such contracting party that the treaty shall apply to any such Dominion, Colony, Possession, or Protectorate shall have been given to the other contracting party before the expiration of one year from the date of the exchange of the ratifications of the present treaty."

Now the "present treaty" is the integral embodiment of its provisions; and to adhere to it, according to the terms of Article XXI., is to accept it as a whole and not with the exclusion of any clauses.

Had the negotiators thought differently the wording of this part of the Article would have been altered.

Notwithstanding, however, the expression "United Kingdom" having been used in Article VI., in substitution for that generally used in the other Articles, this is not without explanation. It means that the advantages therein offered to us shall only apply to Great Britain and Ireland, and to the Dominions, Colonies, Possessions, and Protectorates which have expressly adhered to the treaty, and not to any other British territory.

Trusting that Your Excellency's Government will frankly recognize the reasons which prevail in the views of the Government of the Republic on this subject, and the juridical value of the arguments on which these views are



founded, I take note of the adhesions to the treaty notified in Your Excellency's note of 16th May, and the further adherence of the island of Mauritius (note of the 16th instant), although notified after the prescribed period.

I avail, &c.,

AUGUSTO SOARES.

The Honourable Sir Lancelot D. Carnegie,  
&c., &c., &c.

41897

No. 67

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.10 p.m., 30th August, 1917.)

TELEGRAM.

30TH AUGUST. My telegram 14th August.\* Secretary of State for Foreign Affairs has since communicated to me note from Portuguese Government contending that Dominions and Colonies acceding to treaty should pass legislation in terms of Article VI. of treaty. Despatch follows by mail.—LONG.

41897

No. 68.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR,

Downing Street, 1st September, 1917.

I AM directed by Mr. Secretary Long to acknowledge the receipt of your letter of the 22nd August† relative to the application of Article VI. of the Anglo-Portuguese Commercial Treaty to those Dominions, Colonies, and Protectorates which have acceded to the treaty.

2. Mr. Long is in communication with the Governments of Canada and Newfoundland on the subject, and he would ask to be allowed to defer an expression of opinion on the situation as affecting the acceding Colonies and Protectorates until the views of those Governments have been received.

I am, &c.,

HENRY LAMBERT.

41897

No. 69.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 461.)

MY LORD DUKE,

Downing Street, 3rd September, 1917.

In confirmation of my telegrams of the 14th August and the 30th August,‡ I have the honour to transmit to your Excellency, to be laid before your Ministers, copies of letters from the Foreign Office, dated the 10th and 22nd August§ respectively, relative to the Commercial Treaty with Portugal.

2. It will be observed that the Portuguese Government now contest the view of His Majesty's Government that accession to the treaty by a Dominion or Colony does not entail any liability to pass legislation in the terms of Article VI., and that the Secretary of State for Foreign Affairs feels that it would be useless to press them to accept that view. I shall be glad to receive the observations of your Ministers as to the method of dealing with the difficulty suggested in the letter from the Foreign Office of the 22nd August. I enclose for convenience of reference copies of the Acts (5 George V., chapter 1, and 6 and 7 George V., chapter 39) by which effect has been given to Article VI. of the treaty in the United Kingdom.

\* No. 65.

† No. 66.

‡ Nos. 65 and 67.

§ Nos. 64 and 69.

3. The only other Self-governing Dominion which has acceded to the treaty is Newfoundland, and I am in communication with the Governor. A decision with regard to the Colonies and Protectorates which have acceded will be deferred pending the receipt of the views of your Government and those of the Government of Newfoundland.

I have, &c.,

WALTER H. LONG.

41897

No. 70.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

[Answered by No. 71.]

(No. 120.)

SIR,

Downing Street, 3rd September, 1917.

I HAVE the honour to transmit to you, to be laid before your Ministers, copy of a letter\* from the Foreign Office enclosing copy of a note from the Portuguese Government, in which it is contended that any Dominion or Colony which has acceded to the Commercial Treaty should pass legislation in the terms of Article VI.

2. It will be observed that the Secretary of State for Foreign Affairs feels that it would be useless to press the Portuguese Government to change their view on this point, and I shall be glad to receive the observations of your Ministers as to the method of dealing with the difficulty suggested in the letter from the Foreign Office. I enclose for convenience of reference copies of the Acts (5 George V., chapter 1, and 6 and 7 George V., chapter 39), by which effect has been given to Article VI. of the treaty in the United Kingdom.

3. The only other Self-governing Dominion which has acceded to the treaty is Canada, and I am in communication with the Governor-General. A decision with regard to the Colonies and Protectorates which have acceded to the treaty will be deferred pending the receipt of the views of your Government and those of the Government of Canada.

I have, &c.,

WALTER H. LONG.

52510

No. 71.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 26th October, 1917.)

[Answered by No. 74.]

(No. 150.)

SIR,

Government House, St. John's, 26th September, 1917.

WITH reference to your despatch No. 120, of the 3rd instant,† on the subject of the Anglo-Portuguese Treaty, I have the honour to annex copy of a letter under date 25th instant, from the Honourable the Colonial Secretary, covering a letter from the Honourable the Minister of Justice, under date 24th idem, on the subject.

I have, &c.,

W. E. DAVIDSON.

Enclosure in No. 71.

Department of the Colonial Secretary, St. John's,

Newfoundland, 25th September, 1917.

SIR,

REFERRING to Your Excellency's memorandum, of date 18th instant, covering despatch No. 120, of the 3rd September, from the Secretary of State, on the subject of the Anglo-Portuguese Treaty, I have the honour to forward herewith copy of

\* No. 66.

† No. 70.



a letter under date 24th instant, from the Minister of Justice, reporting that there appears to be no difficulty in passing legislation to enable this treaty to come into force. Ministers have, therefore, authorized the preparation of this legislation for introduction at the next session of Parliament, and for this purpose I have forwarded Your Excellency's memorandum, with enclosures, to the Minister of Justice, so that the Law Clerk of the Assembly may be instructed in the matter.

I have, &c.,

R. A. SQUIRES,  
Colonial Secretary.

His Excellency  
Sir Walter Edward Davidson, K.C.M.G.,  
&c., &c., &c.,  
Governor.

SIR, Department of Justice, 24th September, 1917.  
IN reply to yours of the 19th instant, forwarding file of correspondence on the subject of the Anglo-Portuguese Commercial Treaty, I beg to say that there appears to be no difficulty in passing legislation to enable this treaty to come into force.

I herewith return all papers forwarded me.

I have, &c.,

W. F. LLOYD,  
Minister of Justice.

Honourable R. A. Squires, K.C.,  
Colonial Secretary.

59078

No. 72.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd December, 1917.)

[Answered by No. 74.]

(No. 791.)

SIR, Government House, Ottawa, 7th November, 1917.  
I HAVE the honour to transmit herewith, for your information, and for such action as may be necessary, copies of an approved minute of the Privy Council for Canada on the subject of the adhesion of Canada to the Treaty of Commerce and Navigation between the United Kingdom and Portugal, signed at Lisbon on the 12th August, 1914.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 72.

(P.C. 3089.)

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 2ND NOVEMBER, 1917.

THE Committee of the Privy Council have had before them a report, dated 27th October, 1917, from the Minister of Trade and Commerce, submitting that in giving notice of the adhesion of Canada to the Treaty of Commerce and Navigation between the United Kingdom and Portugal, signed at Lisbon, 12th August, 1914, the Government of Portugal was informed by the British Government that such adhesion was given on the assumption that the Portuguese Government concurred in the view of His Britannic Majesty's Government that Article 6 of the treaty applied to the United Kingdom only.

It now appears that the Portuguese Minister of Foreign Affairs disagrees from that view, and maintains that the adhesion of Canada to the Anglo-Portuguese Commercial Treaty of 1914 carries with it the obligation to accept and validate by legislation Article 6 of the said treaty.

Under these circumstances, and considering the engagements entered into in other treaties binding on Canada which might be affected by Article 6, the Minister recommends that the Portuguese Government be informed that Canada withdraws its adhesion to the Anglo-Portuguese Commercial Treaty of 1914.

The Committee, concurring, recommend that Your Excellency may be pleased to inform the Right Honourable the Secretary of State for the Colonies in the sense hereof accordingly.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

59078

No. 73.

COLONIAL OFFICE to FOREIGN OFFICE.

SIR, Downing Street, 27th December, 1917.  
WITH further reference to your letter of the 22nd August,\* relative to the question of the application of Article 6 of the Anglo-Portuguese Commercial Treaty to adhering Dominions and Colonies, I am directed by Mr. Secretary Long to transmit to you, to be laid before Mr. Secretary Balfour, copies of despatches† which have been received from the Governor-General of Canada and the Governor of Newfoundland on the subject.

2. It will be observed that the Canadian Government do not feel justified in acting on the contention of the Portuguese Government, but that the Government of Newfoundland are prepared to pass legislation on the lines of that enacted in the United Kingdom. Mr. Balfour is aware that the Government of Newfoundland, from the point of view of the fish trade, attach special importance to the Treaty, and it is therefore natural that they should have decided to fall in with the wishes of the Portuguese Government.

3. In view of the attitude of the Canadian Government, Mr. Long has carefully considered the position of the adhering Colonies, Protectorates, etc. Having regard to the difficulties which have arisen in the Straits Settlements and Federated Malay States in connexion with the Japanese Treaty, to the question raised by the French Ambassador in connexion with the enactment of legislation in the West Indies respecting the appellations "Port" and "Madeira," and to the general advantage which liberty of action in the Colonies, etc., will give during the reconstruction period, he has come to the conclusion that it will be preferable to withdraw all the adhesions notified on the 16th May, 1917, and that of Mauritius, which was notified on the 16th July, 1917.

4. Mr. Long will therefore be glad if His Majesty's Minister at Lisbon can be instructed by telegram to inform the Portuguese Government that, as the Portuguese Government are unable to accept the view of His Majesty's Government as to the effect of Article 6 of the Treaty, His Majesty's Government, after consultation with the Canadian Government, are compelled to withdraw the notifications of adhesion made on the 16th May and 16th July, 1917, but that, as regards the adhesion of Newfoundland, it is desired that the notification made on the 21st May, 1916 (the acknowledgment of which by the Portuguese Government was reported in Sir C. Carnegie's despatch No. 248 Commercial, of the 12th October, 1916,‡), should stand, it having been ascertained that the Newfoundland Government have no objection to enacting legislation on the lines of that passed in the United Kingdom and have arranged for its introduction at the next session of Parliament.

I am, &c.,  
HENRY LAMBERT.

\* No. 66.

† Nos. 71 and 72.

‡ Enclosure in No. 59.



10023

No. 74.

CANADA: NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL  
AND GOVERNOR.

(Canada. No. 115.)

(Newfoundland. No. 25.)

[MY LORD DUKE,] [SIR,]

Downing Street, 6th March, 1918.

WITH reference to [To Canada: Your Excellency's despatch No. 791, of the 7th November,\*] [To Newfoundland: your predecessor's despatch No. 150, of the 26th September,†] relative to the question of the application of Article 6 of the Anglo-Portuguese Commercial Treaty to adhering Dominions and Colonies, I have the honour to state, for the information of your Ministers, that [To Canada: the Government of Newfoundland advised that they were prepared to pass legislation on the lines of that enacted in the United Kingdom.] [To Newfoundland: the Canadian Government did not feel justified in acting on the contention of the Portuguese Government.]

2. Having regard to the decision of the Canadian Government in the matter, His Majesty's Government carefully considered the position of the adhering Colonies and Protectorates, and came to the conclusion that it would be preferable for various reasons that their adhesions also should be withdrawn.

3. In these circumstances His Majesty's Minister at Lisbon was instructed by telegram on the 1st January, 1918, to inform the Portuguese Government that, in view of the difficulties which had arisen in regard to the interpretation of Article 6 of the Anglo-Portuguese Commercial Treaty, His Majesty's Government felt compelled to withdraw the notifications of adhesion to the Treaty of all the Dominions and Colonies with the single exception of Newfoundland, which would enact legislation in the sense of Article 6.

4. His Majesty's Minister duly acted on these instructions, but, writing on the 16th ultimo, stated that he had not received any reply from the Portuguese Government.

I have, &amp;c.,

WALTER H. LONG.

(6) Russia.

54329

No. 75.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND ACTING GOVERNOR.

[Answered by No. 77.]

(Canada.

(Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 733.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 13th November, 1917.

WITH reference to previous correspondence respecting the negotiations with the Russian Government with a view to securing the power to terminate the Anglo-Russian Commercial Treaty of the 12th January, 1859, separately in respect of the Self-governing Dominions, I have the honour to request [Your Excellency] [you] to inform your Ministers that His Majesty's Ambassador at Petrograd has reported by telegraph that he has received a note from the Minister of Foreign Affairs stating that the Russian Government, owing to economic conditions arising out of the War, are compelled to take into consideration the revision of existing Commercial Treaties, and that they therefore denounce the Treaty of the 12th January, 1859.

I have, &amp;c.,

WALTER H. LONG.

\* No. 72.

† No. 71.

57911

No. 76.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND ACTING GOVERNOR.

[Answered by No. 79.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Newfoundland.

(Union of South Africa.

Dominions No. 790.)

[MY LORD DUKE,] [SIR,] [MY LORD,]

Downing Street, 10th December, 1917.

WITH reference to my despatch Dominions No. 733, of the 13th of November,\* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, the accompanying copy of a despatch from His Majesty's Ambassador at Petrograd, on the subject of the denunciation by the Russian Government of the Anglo-Russian Treaty of Commerce and Navigation of the 12th of January, 1859.

I have, &amp;c.,

WALTER H. LONG.

Enclosure in No. 76.

(No. 350. Commercial). \*

SIR,

Petrograd, 30th October, 1917.

WITH reference to my telegram No. 1699, of the 26th instant, I have the honour to transmit herewith copy of the note from the Minister for Foreign Affairs informing me that, in view of the economic conditions arising out of the War, the Russian Government consider it necessary to denounce the Anglo-Russian Treaty of Commerce and Navigation of 12th January, 1859, in order to be free to revise their commercial relations with foreign countries. A copy of my note acknowledging the receipt of this communication is also enclosed.

I asked Monsieur Tereschenko yesterday whether the Russian Government had denounced all existing commercial treaties, and he replied in the affirmative.

I have, &amp;c.,

GEORGE W. BUCHANAN.

The Right Honourable

A. J. Balfour, O.M., M.P.,

&amp;c.,

&amp;c.,

&amp;c.

COPY OF NOTE NO. 3140, OF 11-24TH OCTOBER, 1917, FROM THE  
LEGAL DEPARTMENT OF THE FOREIGN MINISTRY.

MONSIEUR L'AMBASSADEUR,

LES conditions économiques créées par la guerre actuelle amènent le Gouvernement Provisoire de Russie à la nécessité d'envisager dès maintenant la révision des principes sur lesquels ont été jusqu'à présent basés les rapports commerciaux de la Russie avec les pays étrangers.

Dans cet ordre d'idées j'ai l'honneur d'informer Votre Excellence que le Gouvernement provisoire faisant usage de la clause insérée dans l'article 22 du traité de commerce et de navigation conclu entre la Russie et la Grande Bretagne le 31 décembre 1858/12 janvier 1859, dénonce par la présente le dit traité depuis ce jour.

En même temps je crois devoir vous faire connaître qu'afin de parer aux inconvénients de la situation transitoire due à la présente mesure, le Gouvernement Provisoire ne manquera pas en son temps de s'entendre avec le Gouvernement Royal pour étudier d'un commun accord les dispositions qui pourraient sauvegarder les intérêts économiques et autres des deux pays.

En Vous priant de vouloir bien communiquer à Votre Gouvernement le contenu de cette note et de m'accuser sa réception, je profite, etc.

MICHEL TERESCHENKO.

\* No. 75.



1725

No. 77.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th January, 1918.)

[Answered by No. 78.]

(No. 910.)

SIR, Government House, Ottawa, 21st December, 1917.  
 WITH reference to your despatch Dominions No. 733, of the 13th November,\* stating that the Russian Government has denounced the Commercial Treaty of the 12th January, 1859, it is assumed that the treaty will terminate on the 24th October, 1918, being twelve months from the date of the Russian note denouncing the treaty, as published in the *Board of Trade Journal* of the 22nd November, 1917.

I have, &amp;c.,

DEVONSHIRE.

4116

No. 78.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 49.)

MY LORD DUKE, Downing Street, 29th January, 1918.  
 I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 910, of the 21st December,† and to confirm the understanding that the Anglo-Russian Commercial Treaty of the 12th January, 1859, will terminate on the 24th October, 1918.

I have, &amp;c.,

WALTER H. LONG.

22885

No. 79.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th May, 1918.)

(No. 57.)

SIR, Government House, Wellington, 7th March, 1918.  
 I HAVE the honour to acknowledge the receipt of your despatch Dominions No. 790, of the 10th December,‡ relative to the denunciation by the Russian Government of the Anglo-Russian Treaty of Commerce and Navigation of the 12th January, 1859.

2. A notification to this effect will be published in the *New Zealand Gazette*.

I have, &amp;c.,

LIVERPOOL,  
Governor-General.

\* No. 75.

† No. 77.

‡ No. 76.

(7) Switzerland.

59528

No. 80.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.17 p.m., 9th December, 1918.)

TELEGRAM.

WITH reference to your despatch 23rd July, 1915, No. 521,\* Anglo-Swiss Treaty, 1855. Would be glad to know whether notice of withdrawal on behalf of Commonwealth from Articles IX. and X. duly given upon ratification of 1914 Convention, as indicated your despatch 28th November, 1913, Confidential (2).†—FERGUSON.

"B"

Most-Favoured-Nation Clauses in British Commercial Treaties.

2650

No. 81.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 3.30 p.m., 26th February, 1918.)

TELEGRAM.

[Answered by Nos. 83, 84, 85, 86, 87, and 88.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

CONFIDENTIAL. His Majesty's Government have had under examination recently position of enemy Powers after the War in relation to most-favoured-nation clauses in British Commercial Treaties. They have come to conclusion that it is desirable to make it generally known that they will feel bound to take precautions to ensure that these clauses shall not be used to secure the commercial advantage of their present enemies. It is accordingly proposed to forward declaration to His Majesty's representatives in Allied and neutral countries in following terms, with instructions to communicate it at a convenient opportunity to the Governments concerned:—

*Declaration begins:* Attention of His Majesty's Government has been drawn during present struggle to extent to which their present enemies have made use of foreign organizations for purpose of pushing their trade. These organizations claim benefits of foreign nationality while retaining all the elements of enemy control.

To minimize risk of misunderstandings with foreign Powers with whom they have Commercial Treaties, His Majesty's Government think it well to explain that in their view Commercial Treaties are intended to benefit trade of the two countries which are parties to Treaty, and must be presumed to have been drafted upon footing that interests to be protected were *bona fide* national interests of party concerned and not foreign interests.

His Britannic Majesty's Government feel bound to take precautions lest during period immediately succeeding War provisions of Commercial Treaty of between Great Britain and should be used indirectly for purpose of securing commercial advantage of their present enemies.

\* No. 91 in Dominions No. 59.

† No. 472 in Dominions No. 45.



War has put an end to the Commercial Treaties between Great Britain and the enemy Powers, and when time comes for considering their renewal need for facilitating commercial recovery, both of Great Britain and her Allies, may prevent His Majesty's Government from agreeing to accord to the enemy Powers, at any rate during period of reconstruction, benefit of any most-favoured-nation clause.

In the same way they feel bound to declare that they cannot regard the provisions of the Treaty with \_\_\_\_\_ of \_\_\_\_\_ as ensuring to the benefit of any persons who are, or have been since outbreak of hostilities, subjects or citizens of Central Empires, or of any undertakings, companies, or ships owned or controlled by such persons, nor can they regard as exports or imports goods originating in or destined for such enemy countries. *Declaration ends.*

His Majesty's Government would be glad to know as soon as possible whether policy proposed and terms of Declaration meet with concurrence of your Ministers.

Question is also under consideration of intimating by means of Circular despatch to all Allied and neutral Governments with which Treaties are in force that, though we have endeavoured to give equal treatment as far as possible to all friendly nations during War, it has not been possible to carry out to the letter all the obligations under most-favoured-nation clauses in our Commercial Treaties; that during the period of reconstruction similar difficulties will face us, and that the most we shall be able to do will be to give Allies equal, though not identical, treatment between themselves, and to neutrals nearest approach to equality and identity which can be achieved consistently with interests of our own and our Allies' financial and commercial situation. It would be suggested in the Circular despatches that any country not feeling satisfied has the remedy in its own hands and can denounce the Treaties, but that as we wish to preserve our commercial relations with all countries as far as possible intact we have not taken this alternative step ourselves.

Similar statement of His Majesty's Government's general policy would be made to neutral countries with which no Treaties are in force, and hope would be expressed that existing friendly relations would not be disturbed by application of policy.

Do your Ministers see any objection to proposed course? Terms of Circular despatches now being considered here.—LONG.

2650

No. 82.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.

Dominions No. 160. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 15th March, 1918.

WITH reference to my despatch Dominions No. 665, of the 15th of October,\* and my telegram of the 26th February,† I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of an interim report prepared by the Imperial Trade Policy Committee, on the subject of the "most-favoured-nation" clauses in British Commercial Treaties. I may mention that this Committee is now known officially as the "Committee on the Trade Relations of the United Kingdom within the Empire."

2. The report has been under the consideration of His Majesty's Government, who, as indicated in my telegram under reference, are in favour of the policy outlined by the Committee. Accordingly steps are being taken to prepare the proposed declaration, and also the Circular despatches to be addressed to His Majesty's representatives in Allied and neutral countries. The text of the proposed declaration was given in my telegram. The terms of the despatches are still under consideration.

I have, &amp;c.,

WALTER H. LONG.

Enclosure in No. 82.

IMPERIAL TRADE POLICY COMMITTEE.

COMMERCIAL TREATIES.

*Interim Report to the Cabinet.*

In principle there is nothing in the existence of the most-favoured-nation clauses of our Commercial Treaties to prevent the establishment of Imperial preference. In practice it would probably be found that they would present considerable obstacles to that policy. Apart from this, their full and literal enforcement has been found impossible in time of war, and, in the opinion of the Committee, would be equally impossible during the period of reconstruction after the War. Indeed, as far as enemy countries are concerned, they have ceased to exist during the War, and even with respect to Allied and neutral countries they have been in practice suspended. For instance, we have quite recently agreed to suspend our import restrictions in favour of France though we have not extended that benefit to Japan or even in form to Italy, still less to Switzerland and Spain and other neutral countries. On the other hand we have given large subsidies, in effect, bounties, to the Italian orange and lemon trade which we have not granted to similar trades in other parts of the world. These steps have been necessary in order to avoid financial disaster to our Allies, while protecting, as far as possible, our own financial position. The same motives will require us to pursue a similar policy during the period of reconstruction after the War.

On the other hand, it is important, as far as possible, to give our Allies equal, though not identical, treatment; and, subject to the necessity for coming to the assistance of our Allies, to give to neutral nations commercial treatment as nearly equal to that given to our Allies as possible; and as between neutrals themselves to aim not only at equality, but, if possible, even at identity of treatment. It is, however, obvious that if we are to do this we must take care that enemy nations shall not be able to take advantage of neutral ports to obtain surreptitiously the advantage of any facilities we may give to neutral countries.

It is proposed, therefore, that a declaration should be issued, without delay, with regard to enemy countries, pointing out that the War has put an end to our Commercial Treaties with them, and that we do not propose, so far as they are concerned, to renew the most-favoured-nation clauses of those treaties, at any rate in the period immediately succeeding the War, so as to leave our hands perfectly free, as far as they are concerned, to make what arrangements we please for co-operating with our Allies in the work of reconstruction. The declaration would go on to point out that we shall necessarily have to take precautions to prevent enemy nations making use of neutral channels to secure advantages which we no longer propose to extend to them. It is further proposed that our Allies and neutral countries should be informed by Circular despatch or other appropriate means that we have found it impossible during the War to carry out literally and exactly all our obligations under the most-favoured-nation clauses of our Commercial Treaties in exactly the same way that we did before the War. We have, however, striven to give as nearly as possible equal treatment to all friendly nations, whether Allied or neutral, and we are glad to be able to say that on the whole our efforts in this direction have been recognized, and that such modifications of our previous commercial policy as have been forced upon us by the circumstances of the War have not given rise to any very serious protest—a circumstance of which due appreciation would be recorded. We should go on to point out that during the period of reconstruction we shall be faced with difficulties similar to those which we have had to deal with during the War, and in some respects perhaps more urgent and insistent than ever. After developing these propositions suitably we should conclude by saying that we felt ourselves unable to do more in the direction of carrying out our obligations under the most-favoured-nation clauses than to strive to give to our Allies equal, though not identical, treatment, and to give to neutral nations the nearest approach to equality and identity which could be achieved consistently with the interests of our own financial and commercial situation, and that of our Allies. In communicating these views we should hint that if any of the Governments addressed felt dissatisfied with our action they had, of course, the remedy in their own hands of denouncing our Commercial Treaties altogether. This last proposition would have to be stated with proper delicacy, and preferably be put upon the ground that we desire as far as possible to preserve our commercial relations with all countries intact, and that we had, therefore, not denounced our Commercial

\* 43300/17: this announced the appointment of the Committee.

† No. 81.



Treaties, which would have been the only other way in which the necessities of our position could have been met.

The Committee are of opinion that the form of the declaration above alluded to, and of the Circular intimation of the new policy to Allied and neutral countries, should without delay be determined by the Foreign Office in consultation with the Board of Trade.

7th November, 1917.

12050

No. 83.  
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.57 a.m., 9th March, 1918.)

TELEGRAM.

(Paraphrase.)

8TH MARCH. Confidential. Your telegram of 26th February,\* respecting post-War position in relation to most-favoured-nation clauses in British Commercial Treaties. No objection is seen by my Ministers to course proposed.—DEVONSHIRE.

13133

No. 84.  
NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.55 p.m., 14th March, 1918.)

TELEGRAM.

[Answered by No. 90.]

(Paraphrase.)

NEW Zealand Government concurs in policy proposed in your telegram of 26th February,\* and also with regard to Circular despatch to be sent to neutral Governments and Allies.—LIVERPOOL.

16183

No. 85.  
NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.44 a.m., 3rd April, 1918.)

TELEGRAM.

[Answered by No. 90.]

2ND APRIL, 1918. Your telegram 26th February,\* Commercial Treaties. My Ministers have no objection to offer.—HARRIS.

16708

No. 86.  
CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6th April, 1918.)

[Answered by No. 90.]

(Secret.)

SIR, Government House, Ottawa, 20th March, 1918.  
WITH reference to your Secret telegram of the 26th February,\* respecting the post-War position of enemy Powers in relation to British commercial treaties, I have

\* No. 81.

the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada setting forth the views of my responsible advisers.

I telegraphed to you on the 8th instant\* that my Ministers had no objection to the proposal contained in your telegram of the 26th February.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 86.

(P.C. 656.)

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 19TH MARCH, 1918.

THE Committee of the Privy Council have had before them a report, dated 14th March, 1918, from the Secretary of State for External Affairs, on a Secret telegraphic despatch from the Secretary of State for the Colonies to Your Excellency, dated the 26th February, 1918, respecting the post-War position of enemy Powers in relation to British commercial treaties.

The Minister observes that the despatch in question sets forth that, in order to prevent the use by present enemy countries, to the detriment of British trade, of foreign organizations which, while claiming benefits of foreign nationality are really controlled by enemy countries, and, in order to minimize the risk of misunderstanding with foreign Powers having commercial treaties with Great Britain, His Majesty's Government has notified all such countries that it may, in the interests of its own and Allied nations, find it impossible to consider the renewal of commercial most-favoured-nation treaties with enemy Powers, at least during the period of reconstruction; and that it will not regard the provisions of such treaties as enuring to the benefit of any persons who are, or have been, since the outbreak of hostilities, subjects of or citizens of Central Empires.

The Minister further observes that the object of the above declaration is plain and obviously in the just interest of Great Britain and her Allies, as enabling them, on the one hand, to protect themselves from any indirect and unfair attacks by the Central Nations upon their productive and trade interests during the years of reconstruction, and, on the other hand, to enable Great Britain and her Allies to institute such economic and fiscal measures as may be mutually helpful without being obliged to grant their advantages to the Central nations.

His Majesty's Government further states that it is considering the question of intimating to all Allied and neutral Governments with which treaties are in force that it has not been possible during the War to carry out literally all the obligations under the most-favoured-nation clauses, and that similar difficulties will be met during reconstruction, and that, consequently, the most that can be done by His Majesty's Government will be to give their Allies equal, though not identical, treatment between themselves and to give to neutrals the nearest approach thereto possible consistent with the interests of the British financial and commercial situation and that of their Allies.

The Minister submits that in the objects above stated the Dominion of Canada has an equal interest with the Mother Country in proportion to its volume of commercial exchanges, and that he sees no objection to the proposed policy and the terms of the declaration and intimation as set forth in the despatch, in which view the Minister of Trade and Commerce concurs.

The Committee concur in the foregoing, and, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to transmit a copy hereof, if approved, to the Secretary of State for the Colonies for the information of His Majesty's Government.

All which is respectfully submitted for approval.

RODOLPHE BOUDREAU.

Clerk of the Privy Council.

\* No. 83.



19226

No. 87.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.40 p.m., 18th April, 1918.)

TELEGRAM.

[Answered by No. 90.]

(Paraphrase.)

WITH regard to first portion of your telegram 26th February,\* as to Commercial Treaties, while Ministers see no objection to the course proposed, they are of opinion that the resolution proposed by Sir Wilfrid Laurier and passed at the Imperial Conference of 1911,† which is to be found on page 64 of the précis of the proceedings of the Conference, should not be lost sight of when the question of renewal of Commercial Treaties with enemy Powers comes up for consideration.

In common with other Dominions the Union of South Africa has for a long time past had its own distinct fiscal policy, and the questions of commercial relations, therefore, between Great Britain and other countries should be recognized as primarily a matter for His Majesty's Government to decide on, while the Dominions, in the spirit of the resolution of the Imperial Conference of 1911, should be secured, by liberty for any of the Dominions with separate fiscal policy to withdraw from the operation of any Treaty without impairing the Treaty in respect of the rest of the Empire.

As to the second portion of your telegram regarding difficulties of carrying out all obligations under the most-favoured-nation clauses of Commercial Treaties, Ministers see no objection to the proposed statement being made by means of a Circular despatch.

Ministers would suggest generally that it would be inadvisable for His Majesty's Government to bind itself at this stage to any definite policy after the War and during the period of reconstruction, which, if circumstances are different from what is at present contemplated, may prove to be a hindrance to its commercial reconstruction and expansion and that of the Allied countries.—BUXTON.

20527

No. 88.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.54 p.m., 25th April, 1918.)

TELEGRAM.

[Answered by No. 90.]

(Paraphrase.)

BRITISH Commercial Treaties. My Ministers see no objection to course proposed in your telegram of 26th February.\*—R. MUNRO-FERGUSON.

39797

No. 89.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.)

Dominions No. 548. Confidential.)

\* No. 81.

† [Cd. 5741].

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 30th September, 1918.

WITH reference to previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of despatches which have been addressed by the Secretary of State for Foreign Affairs to His Majesty's representatives in Allied and neutral countries, indicating the policy which it has been decided to pursue during the period of reconstruction after the termination of hostilities with regard to Commercial Treaties.

2. I also enclose a copy of a despatch from His Majesty's Minister at Havre containing a preliminary reply from the Belgian Government, together with a telegram from His Majesty's Minister at Berne indicating the probable attitude of the Government of Switzerland.

No. 93, 7th August.  
Telegram, 11th August.

I have, &c.,  
WALTER H. LONG

Enclosure 1 in No. 89.

(Commercial.)

SIR,

Foreign Office, 6th July, 1918.

I TRANSMIT to you herewith copies of despatches which have been addressed to His Majesty's representatives in all neutral countries indicating, for the information of the Governments to which they are accredited, the policy which His Majesty's Government have decided to pursue during the period of reconstruction after the termination of hostilities so far as the commerce and resources of this country are concerned.

2. The wording of the despatches varies slightly according to the nature of the treaty obligations of His Majesty's Government towards the Government of the country addressed.

3. I request that you will inform the Government to which you are accredited of the purport of these despatches, and will explain to them at the same time that the intentions of His Majesty's Government are, so far as lies in their power, to give their present Allies and cobelligerents during the reconstruction period equal, though not necessarily identical, treatment in assisting them to restore as rapidly as possible the industries which have felt the effects of the War.

I am, &amp;c.,

ARTHUR JAMES BALFOUR.

His Majesty's Representatives at Paris, Tokio, Washington, Rome, Havre, Corfu, Lisbon, Jassy, Havana, Panama, Bangkok, Athens, Peking, Rio de Janeiro, Guatemala, Costa Rica, Montenegro.

(1)

(Circular A. Commercial.)

CIRCULAR A TO NEUTRAL COUNTRIES WHOSE TREATIES WITH THE UNITED KINGDOM CONTAIN EXPRESS STIPULATIONS AS REGARDS EXPORT AND IMPORT RESTRICTIONS.

(Form for Colombia, Mexico, Nicaragua, Paraguay, Sweden, and Switzerland.)

To His Majesty's representative at

Bogota, No. 9, Commercial.

Mexico, No. 11, Commercial.

Guatemala, No. 9, Commercial (for Nicaragua).

Asuncion, No. 10, Commercial.

Stockholm, No. 729, Commercial.

Berne, No. 1168, Commercial.

(No. Commercial.)

SIR,

Foreign Office, 15th June, 1918.

1. His Majesty's Government have recently had under consideration the measures which it will be necessary to adopt during the transitional period after



the cessation of hostilities when the commerce of this country and that of His Majesty's Allies is returning to normal conditions.

2. At an early stage of the present struggle His Majesty's Government found it necessary to impose restrictions on the exports of certain goods from British territories. The object was twofold; it was partly to preserve the stocks of goods which were vital to the industrial and economic life of the country; and partly to prevent the enemy supplying himself from the British Empire with goods which he required for, or might use in, carrying on the struggle.

3. In the enactment and enforcement of many of these prohibitions of export it was found necessary to draw a distinction between the countries in respect of which the prohibition applied. In cases where the paramount object was to prevent the goods reaching the enemy, the fact that the country of destination was engaged as an Ally in the war and had severed commercial communications with the enemy, or that it was so situated geographically as to render re-export to the enemy unlikely, became factors of prime importance. In cases where the object of the prohibition was the preservation of stocks, the necessity of maintaining the war strength of the Allies necessitated a distinction between them and other countries.

4. His Majesty's Government have always realized that this differentiation in the prohibition of exports was not in strict accord with the letter of a commercial treaty such as that between Great Britain and—

- (1.) Colombia, article 4
- (2.) Mexico, article 3
- (3.) Nicaragua, article 4
- (4.) Paraguay, article 3
- (5.) Sweden, article 9
- (6.) Switzerland, article 8 of which

provides that prohibitions of exportation to the one country shall not be enforced in the territories of the other unless they apply equally to similar exportations to other foreign countries. A prohibition of exportation, however, of this nature was so inevitable in the case of any belligerent Power engaged in a struggle of the magnitude of the present War that all neutral Governments realized the necessity for its enforcement, feeling no doubt that it was in no way opposed to the spirit and purpose of a commercial treaty. His Majesty's Government desire, however, to take this opportunity of placing on record their appreciation of the forbearing and generous spirit in which their necessary belligerent measures were met.

5. As the War progressed it became necessary for His Majesty's Government to introduce a system of prohibitions of importation into the United Kingdom, coupled with a licensing system which involved discrimination similar to that arising from the control of exports. These measures were due to the necessity of preserving all available cargo space for imports of real importance from the point of view of carrying on the War, and in part also to the delicate financial problems connected with the exchange between the various *Entente* countries, and between them and neutral countries. Problems of this kind were not foreseen when commercial treaties were negotiated, and it is not surprising that it should be found difficult to give full and literal effect to all of their provisions when the financial resources of one of the contracting parties are confronted with the burdens which this War has entailed. Difficulties connected with the finance and exchange have necessitated the regulation of imports into the United Kingdom, not merely from the point of view of the finance of the United Kingdom, but also from the point of view of His Majesty's Allies. Financial power is as important to the maintenance of the fighting strength of a nation as munitions or man-power, and where the financial position of an Allied Power might have been seriously affected by inability to find a market for its products, it was the duty of His Majesty's Government to regulate their own imports so as to help their Ally.

6. His Majesty's Government are glad to feel that the measures which they have been compelled to take for controlling imports into the United Kingdom during the war have met with no serious objection from neutral Powers; in fact the only protests which have been received were due to an unfounded impression that the object in view was an unfair discrimination against the trade of the country concerned.

7. During the period of reconstruction after the termination of hostilities many problems will arise similar to those with which His Majesty's Government have been confronted during the War. The territories of several of His Majesty's Allies have been ravaged during the War, and in addition financial burdens will have been

incurred and feelings engendered which must of necessity prevent the restoration of trade to its normal channels immediately after the proclamation of peace. In some ways these problems may be even more urgent than those which have arisen during the War. The duty of His Majesty's Government to assist to their utmost in the rapid restoration of the industries of the Allied countries which have experienced the full effects of the War will clearly be an obligation of pressing importance.

8. The measures which Great Britain may feel bound to take for the purpose of assisting her Allies to recover from the effects of the War cannot be foreseen in detail at present, but His Majesty's Government cannot but realize that some of them may run counter to the letter of the provisions of the treaty of—

- (1.) 1866,
- (2.) 1888,
- (3.) 1905,
- (4.) 1884,
- (5.) 1826,
- (6.) 1855,

in that they would not affect equally all foreign nations. His Majesty's Government, however, trust that from the explanations given above the—

- (1.) Colombian Government
- (2.) Mexican Government
- (3.) Nicaraguan Government
- (4.) Paraguayan Government
- (5.) Swedish Government
- (6.) Swiss Government

will realize that it is the letter only of the treaty which may be infringed and not the spirit. Whatever form these special arrangements take, they will be merely temporary in character, for they will be limited in time to the period of recovery from the War. It will, of course, subject to the above, be the object, as it is the duty, of His Majesty's Government to fulfil to the utmost the obligations which the commercial treaties by which they are bound impose upon them.

9. His Majesty's Government have given this early indication of their intention because it is their wish to preserve intact their commercial relations with all friendly nations, and they are anxious to avoid any complaint at a later stage that, if the reconstruction period after the War may necessitate special measures for the benefit of the Allies which were not foreseen at the time the treaties were negotiated, it was the duty of His Majesty's Government to free themselves from the obligations of the treaties by giving notice to denounce them. The power to denounce is mutual, but His Majesty's Government sincerely hope that the necessity to repay what His Majesty's Government cannot but regard as a debt of honour to their Allies will not be regarded as a ground for terminating the commercial relations which—

- (1.) have so happily and so long endured with the Republic of Colombia;
- (2.) so happily exist with the Republic of Mexico;
- (3.) so happily exist with the Republic of Nicaragua;
- (4.) have so happily and so long endured with the Republic of Paraguay;
- (5.) have so happily and so long endured with the Kingdom of Sweden;
- (6.) have so happily and so long endured with the Swiss Confederation.

10. I request that you will address a note to the—

- (1.) Colombian
- (2.) Mexican
- (3.) Nicaraguan
- (4.) Paraguayan
- (5.) Swedish
- (6.) Swiss

Government in the above sense.

I am, &c.,

ARTHUR JAMES BALFOUR.

His Majesty's Representative at



(2)

(Circular A. Commercial.)

CIRCULAR A TO NEUTRAL COUNTRIES WHOSE TREATIES WITH THE UNITED KINGDOM CONTAIN EXPRESS STIPULATIONS AS REGARDS EXPORT AND IMPORT RESTRICTIONS.

(Form for Argentina, Bolivia, Honduras, and Venezuela.)

To His Majesty's representative at  
Buenos Aires, No. 68, Commercial.  
La Paz, No. 9, Commercial.  
Guatemala, No. 8, Commercial (for Honduras).  
Caracas, No. 4, Commercial.

(No. Commercial.)

SIR,

Foreign Office, 15th June, 1918.

[Paragraphs 1, 2, and 3 are in identic terms with paragraphs 1, 2, and 3 in (1).]

4. His Majesty's Government have always realized that this differentiation in the prohibition of exports was not in strict accord with the letter of a commercial treaty such as that between Great Britain and—

- (1.) The Argentine, article 4
- (2.) Bolivia, article 3
- (3.) Honduras, article 7
- (4.) Venezuela, article 4 of which

provides that prohibitions of exportation, &c., &c. [as in paragraph 4 in (1).]

[Paragraphs 5, 6, and 7 are in identic terms with paragraphs 5, 6, and 7 in (1).]

8. The measures which Great Britain may feel bound to take for the purpose of assisting her Allies to recover from the effects of the War cannot be foreseen in detail at present, but His Majesty's Government cannot but realize that some of them may run counter to the letter of the provisions of the treaty of—

- (1.) 1825,
- (2.) 1911,
- (3.) 1910,
- (4.) 1825,

in that they would not affect equally all foreign nations. His Majesty's Government, however, trust that from the explanations given above the—

- (1.) Argentine Government
- (2.) Bolivian Government
- (3.) Honduran Government
- (4.) Venezuelan Government

will realize that it is the letter only of the treaty, &c., &c. [as in paragraph 8 in (1).]

9. His Majesty's Government have given this early indication of their intention because it is their wish to preserve intact their commercial relations with all friendly nations, and they are anxious to avoid any complaint at a later stage that, if the reconstruction period after the War may necessitate special measures for the benefit of the Allies which were not foreseen at the time the treaties were negotiated, it was the duty of His Majesty's Government to free themselves from the obligations of the treaties. In these circumstances His Majesty's Government sincerely hope that the necessity to repay what His Majesty's Government cannot but regard as a debt of honour to their Allies will not be regarded as a ground for disturbing the commercial relations which—

- (1.) have so happily and so long endured with the Argentine Republic.
- (2.) so happily exist with the Republic of Bolivia.
- (3.) so happily exist with the Republic of Honduras.
- (4.) have so happily and so long endured with the Republic of Venezuela.

10. I request that you will address a note to the—

- (1.) Argentine
- (2.) Bolivian
- (3.) Honduran
- (4.) Venezuelan

Government in the above sense.

I am, &c.,

ARTHUR JAMES BALFOUR.

His Majesty's Representative at

(3)

(Circular B. Commercial.)

CIRCULAR B TO NEUTRAL COUNTRIES WITH WHICH THERE IS A TREATY, BUT ONE WITHOUT A CLAUSE WHICH WOULD BE INFRINGED BY THE PROPOSED POLICY, EVEN THOUGH IT MAY CONTAIN A PROVISION FOR MOST-FAVOURLED-NATION TREATMENT.

(Form for Netherlands and Norway.)

To His Majesty's representative at  
The Hague, No. 1246, Commercial.  
Christiania, No. 1052, Commercial.

(No. Commercial.)

SIR,

Foreign Office, 15th June, 1918.

[Paragraphs 1, 2, and 3 are in identic terms with paragraphs 1, 2, and 3 in (1).]

4. His Majesty's Government have always realized that this differentiation in the prohibition of exports appeared, strictly speaking, to run counter to the principle of equal treatment for all friendly foreign commerce on which the commercial treaties to which Great Britain is a party had mostly been drafted. A prohibition of exportation, however, of this nature was so inevitable in the case of any belligerent Power engaged in a struggle of the magnitude of the present War that all neutral Governments realized the necessity for its enforcement, feeling no doubt that it afforded no ground for complaint either as being opposed to the spirit and purpose of a commercial treaty, or as a measure of unjust discrimination against friendly commerce. His Majesty's Government desire, however, to take this opportunity of placing on record their appreciation of the forbearing and generous spirit in which their necessary belligerent measures were met.

5. As the War progressed, it became necessary for his Majesty's Government to introduce a system of prohibitions of importation into the United Kingdom, coupled with a licensing system which involved discrimination similar to that arising from the control of exports. These measures were due to the necessity of preserving all available cargo space for imports of real importance from the point of view of carrying on the War, and in part also to the delicate financial problems connected with the exchange between the various *Entente* countries, and between them and neutral countries. Problems of this kind were not foreseen when commercial treaties were negotiated, and it is not surprising that it should have been found necessary to depart from the principle of equal treatment for the imports of all friendly foreign nations when the resources of one of the contracting parties are confronted with the burdens which this War has entailed. Difficulties connected with finance and exchange, &c., &c. [as in paragraph 5 in (1).]

[Paragraphs 6 and 7 are in identic terms with paragraphs 6 and 7 in (1).]

8. The measures which Great Britain may feel bound to take for the purpose of assisting her Allies to recover from the effects of the War cannot be foreseen in detail at present, but His Majesty's Government cannot but realize that some of them may at first sight seem difficult to reconcile with the most-favoured-nation treatment which—

- (1.) The Netherlands
- (2.) Norway

has hitherto enjoyed in British trade. His Majesty's Government, however, trust that from the explanations given above the—

- (1.) Netherlands Government
- (2.) Norwegian Government

will realize that these measures, &c., &c. [as in paragraph 8 in (1).]

9. His Majesty's Government have given this early indication of their intention because it is their wish to preserve intact their commercial relations with all friendly nations, and they are anxious to avoid any complaint at a later stage that, if the reconstruction period after the War may necessitate special measures for the benefit of the Allies which were not foreseen at the time the treaties were negotiated, it was the duty of His Majesty's Government to free themselves from the obligations of the treaties by giving notice to denounce them. The power to denounce is mutual, but His Majesty's Government sincerely hope that the necessity to repay what His



Majesty's Government cannot but regard as a debt of honour to their Allies will not be regarded as a ground for terminating the commercial relations so happily subsisting between Great Britain and—

- (1.) The Netherlands.
- (2.) Norway.

10. I request that you will address a note to the—

- (1.) Netherlands
- (2.) Norwegian

Government accordingly.

I am, &c.,

ARTHUR JAMES BALFOUR.

His Majesty's Representative at

(4)

(Circular B. Commercial.)

CIRCULAR B TO NEUTRAL COUNTRIES WITH WHICH THERE IS A TREATY, BUT ONE WITHOUT A CLAUSE WHICH WOULD BE INFRINGED BY THE PROPOSED POLICY, EVEN THOUGH IT MAY CONTAIN A PROVISION FOR MOST-FAVoured-NATION TREATMENT.

(Form for Denmark, Persia, and Peru.)

To His Majesty's representative at  
Copenhagen, No. 747, Commercial.  
Tehran, No. 3, Commercial.  
Lima, No. 9, Commercial.

(No. Commercial.)

SIR,

Foreign Office, 15th June, 1918.

[Paragraphs 1, 2, and 3 are in identic terms with paragraphs 1, 2, and 3 in (1).]

[Paragraphs 4 and 5 are in identic terms with paragraphs 4 and 5 in (3).]

[Paragraphs 6 and 7 are in identic terms with paragraphs 6 and 7 in (1).]

8. The measures which Great Britain may feel bound to take for the purpose of assisting her Allies to recover from the effects of the War cannot be foreseen in detail at present, but His Majesty's Government cannot but realize that some of them may at first sight seem difficult to reconcile with the most-favoured-nation treatment which—

- (1.) Denmark
- (2.) Persia
- (3.) Peru

has hitherto enjoyed in British trade. His Majesty's Government, however, trust that from the explanations given above the—

- (1.) Danish Government
- (2.) Persian Government
- (3.) Peruvian Government

will realize that these measures will imply no change in the spirit of the commercial policy which Great Britain has followed hitherto. Whatever form these special arrangements take, they will be merely temporary in character for they will be limited in time to the period of recovery from the War. It will, of course, subject to the above, be the object, as it is the duty, of His Majesty's Government to fulfil to the utmost the obligations which the commercial treaties by which they are bound impose upon them.

9. His Majesty's Government have given this early indication of their intention because it is their wish to preserve intact their commercial relations with all friendly nations, and they are anxious to avoid any complaint at a later stage that, if the reconstruction period after the War may necessitate special measures for the benefit of the Allies which were not foreseen at the time the treaties were negotiated, it was the duty of His Majesty's Government to free themselves from the obligations of the treaties. In these circumstances His Majesty's Government sincerely hope that the necessity to repay what His Majesty's Government cannot but regard as a debt of honour to their Allies will not be regarded as a ground for disturbing the commercial relations so happily subsisting between Great Britain and

- (1.) Denmark.
- (2.) Persia.
- (3.) Peru

10. I request that you will address a note to the—

- (1.) Danish
- (2.) Persian
- (3.) Peruvian

Government accordingly.

I am, &c.,

ARTHUR JAMES BALFOUR.

His Majesty's Representative at

(5)

(Circular B. Commercial.)

CIRCULAR B TO NEUTRAL COUNTRIES WITH WHICH THERE IS A TREATY, BUT ONE WITHOUT A CLAUSE WHICH WOULD BE INFRINGED BY THE PROPOSED POLICY, EVEN THOUGH IT MAY CONTAIN A PROVISION FOR MOST-FAVoured-NATION TREATMENT.

(Form for Spain.)

(No. 522. Commercial.)

SIR,

Foreign Office, 15th June, 1918.

[Paragraphs 1, 2, and 3 are in identic terms with paragraphs 1, 2, and 3 in (1).]

4. His Majesty's Government have always realized that this differentiation in the prohibition of exports appeared, strictly speaking, to run counter to the principle of equal treatment for all friendly foreign commerce on which the commercial treaties and arrangements to which Great Britain is a party had mostly been drafted. A prohibition of exportation, however, of this nature was so inevitable in the case of any belligerent Power engaged in a struggle of the magnitude of the present War that all neutral Governments realized the necessity for its enforcement, feeling no doubt that it afforded no ground for complaint either as being opposed to the spirit and purpose of a commercial treaty or arrangement, or as a measure of unjust discrimination against friendly commerce. His Majesty's Government desire, however, to take this opportunity of placing on record their appreciation of the forbearing and generous spirit in which their necessary belligerent measures were met.

[Paragraph 5 is in identic terms with paragraph 5 in (3).]

[Paragraphs 6 and 7 are in identic terms with paragraphs 6 and 7 in (1).]

[Paragraph 8 is identic mutatis mutandis with paragraph 8 in (4).]

3. His Majesty's Government have given this early indication of their intention because it is their wish to preserve intact their commercial relations with all friendly nations, and they are anxious to avoid any complaint at a later stage that, if the reconstruction period after the War may necessitate special measures for the benefit of the Allies which were not foreseen at the time the treaties and arrangements were negotiated, it was the duty of His Majesty's Government to free themselves from the obligations of those treaties and arrangements by giving notice to terminate them. The power to terminate is mutual, but His Majesty's Government sincerely hope that the necessity to repay what His Majesty's Government cannot but regard as a debt of honour to their Allies will not be regarded as a ground for disturbing the commercial relations so happily subsisting between Great Britain and Spain.

10. I request that you will address a note to the Spanish Government accordingly.

I am, &c.,

ARTHUR JAMES BALFOUR.

His Majesty's Representative at  
Madrid.



(6)

(Circular C. Commercial.)

CIRCULAR C TO NEUTRAL COUNTRIES WITH WHICH THERE IS NO TREATY.

To His Majesty's representative at

Monte Video, No. 19, Commercial.  
 Adis Ababa, No. 2, Commercial.  
 Santiago, No. 49, Commercial.  
 Quito, No. 5, Commercial.  
 Guatemala, No. 10, Commercial.  
 Port au Prince, No. 7.  
 Guatemala, No. 11 (for Salvador).  
 Santo Domingo, No. 13.

(No. Commercial.)

SIR,

Foreign Office, 15th June, 1918.

[Paragraphs 1, 2, and 3 are in identic terms with paragraphs 1, 2, and 3 in (1).]

4. His Majesty's Government have always realized that this differentiation in the prohibition of exports appeared, strictly speaking, to run counter to the principle of equal treatment for all friendly foreign commerce which has been the keynote of British commercial policy. A prohibition of exportation, however, of this nature was so inevitable in the case of any belligerent Power engaged in a struggle of the magnitude of the present War that all neutral Governments realized the necessity for its enforcement, feeling no doubt that it afforded no ground for complaint as a measure of unjust discrimination against friendly commerce. His Majesty's Government desire, however, to take this opportunity of placing on record their appreciation of the forbearing and generous spirit in which their necessary belligerent measures were met.

5. As the War progressed, it became necessary for His Majesty's Government to introduce a system of prohibitions of importation into the United Kingdom, coupled with a licensing system which involved discrimination similar to that arising from the control of exports. These measures were due to the necessity of preserving all available cargo space for imports of real importance from the point of view of carrying on the War, and in part also to the delicate financial problems connected with the exchange between the various *Entente* countries, and between them and neutral countries. Problems of this kind were not foreseen when commercial policy crystallized, and it is not surprising that it should have been found necessary to depart from the principle of equal treatment, &c., &c. [as in paragraph 5 of (3)].

[Paragraphs 6 and 7 are in identic terms with paragraphs 6 and 7 of (1).]

8. The measures which Great Britain may feel bound to take for the purpose of assisting her Allies to recover from the effects of the War cannot be foreseen in detail at present, but His Majesty's Government cannot but realize that some of them may at first sight seem difficult to reconcile with that equal treatment of foreign commerce which

- (1.) Uruguay
- (2.) Abyssinia
- (3.) Chile
- (4.) Ecuador
- (5.) Guatemala
- (6.) Hayti
- (7.) Salvador
- (8.) The Dominican Republic

has hitherto enjoyed in the United Kingdom. His Majesty's Government, however, trust that the Government to which you are accredited will realize that these measures will imply no change in the spirit of the commercial policy which Great Britain has followed hitherto. Whatever form these special arrangements take, they will be merely temporary in character, for they will be limited in time to the period of recovery from the War.

9. I leave it to you to judge whether it is desirable to make a communication in the above sense to the Government to which you are accredited. If you decide to do so you should at the same time explain that His Majesty's Government have given this early indication of their intention because it is their wish to preserve intact their commercial relations with all friendly nations, and to avoid any measures of which the object might not be understood, and which might lead in consequence to measures of retaliation. His Majesty's Government therefore sincerely hope that the necessity to repay what His Majesty's Government cannot but regard as a debt of honour to their Allies will not be regarded as a ground for terminating the commercial relations so happily subsisting between Great Britain and

- (1.) Uruguay.
- (2.) Abyssinia.
- (3.) Chile
- (4.) Ecuador.
- (5.) Guatemala.
- (6.) Hayti.
- (7.) Salvador.
- (8.) San Domingo.

I am, &amp;c.,

ARTHUR JAMES BALFOUR.

To His Majesty's Representative at

(Circular.)

SIR,

Foreign Office, 29th June, 1918.

WITH reference to my despatch No. , Commercial, of the instant, I request that you will address a communication in the following terms to the Government:—

"The attention of His Majesty's Government has been drawn during the present struggle to the extent to which their present enemies have made use of foreign organizations for the purpose of pushing their trade. These organizations claim the benefits of foreign nationality while retaining all the elements of enemy control.

"To minimize the risk of misunderstandings with foreign Powers with whom they have commercial treaties, His Majesty's Government think it well to explain that in their view commercial treaties are intended to benefit the trade of the two countries which are parties to the treaty, and must be presumed to have been drafted upon the footing that the interests to be protected were *bona fide* national interests of the party concerned, and not foreign interests.

"His Britannic Majesty's Government feel bound to take precautions lest, during the period immediately succeeding the War, the provisions of the should be used indirectly for the purpose of securing the commercial advantage of their present enemies.

"The War has put an end to the commercial treaties between Great Britain and the enemy Powers, and when the time comes for considering their renewal the need for facilitating the commercial recovery both of Great Britain and her Allies may prevent His Majesty's Government from agreeing to accord to the enemy Powers, at any rate during the period of reconstruction, the benefit of any most-favoured-nation clause.

"In the same way they feel bound to declare that they cannot regard the provisions of the

as enuring to the benefit of any persons who are or have been since the outbreak of hostilities subjects or citizens of the countries with which Great Britain is now at war, or of any undertakings, companies, or ships owned or controlled by such persons, nor can they regard as exports or imports goods originating in or destined for such enemy countries."

I am, &amp;c.,

ARTHUR JAMES BALFOUR.

His Majesty's Representative at Buenos Aires, La Paz, Bogota, Guatemala (Honduras and Nicaragua), Asuncion, Stockholm, Berne, Caracas, Copenhagen, The Hague, Christiania, Lima, Madrid, Tehran, Mexico.



SIR,

Foreign Office, S.W.1, 24th July, 1918.

(No. 23.)

(No. Commercial.)

[(1.) I AM directed by the Secretary for Foreign Affairs to] [(2.) I] transmit to you herewith copies of despatches which have been addressed to His Majesty's representatives in all neutral countries indicating, for the information of the Governments to which they are accredited, the policy which His Majesty's Government have decided to pursue during the period of reconstruction after the termination of hostilities so far as the commerce and resources of this country are concerned.

2. The wording of the despatches varies slightly according to the nature of the treaty obligations of His Majesty's Government towards the Government of the country addressed.

[(1.) 3. I am to request that you will inform the Liberian Government] [(2.) 3. I leave it to your discretion to inform the Russian Government] of the purport of these despatches, and will explain to them at the same time that the intentions of His Majesty's Government are, so far as lies in their power, to give their present Allies and cobelligerents during the reconstruction period equal, though not necessarily identical, treatment in assisting them to restore as rapidly as possible the industries which have felt the effects of the War.

I am, &amp;c.,

(1.) R. C. F. Maugham, Esq.,

Monrovia.

(2.) The Honourable F. O. Lindley, C.B.E.,

Russia.

Enclosure 2 in No. 89.

SIR F. H. VILLIERS (Havre) to MR. BALFOUR.

(No. 93. Commercial.)

(137839.)

SIR,

Havre, 7th August, 1918.

WITH reference to your despatch No. 75, Commercial (107991/C/150), of the 6th ultimo, I have the honour to report that, in accordance with your instructions, I communicated to the Minister for Foreign Affairs the purport of the despatches addressed to His Majesty's representatives in all neutral countries indicating the policy which His Majesty's Government have decided to pursue during the period of reconstruction after the termination of hostilities so far as the commerce and resources of the United Kingdom are concerned. I explained at the same time that the intentions of His Majesty's Government are, so far as lies in their power, to give their present Allies and cobelligerents during the reconstruction period equal, though not necessarily identical, treatment in assisting them to restore as rapidly as possible the industries which have felt the effects of the War.

M. Hymans has acknowledged the receipt of my communication in a note of which I enclose copy. He expresses satisfaction at learning this fresh declaration on the part of His Majesty's Government that they intend to assist the Allies as far as possible during the period of reconstruction. The Belgian Government have on their side under consideration the exceptional system to be applied in Belgium after the War, and it is suggested as probably useful that the two Governments should in due course proceed to an exchange of views.

As regards the denunciation of commercial treaties, M. Hymans concludes that before the situation becomes normal again sufficient time will elapse for His Majesty's Government to take such action as circumstances may render necessary.

I have, &amp;c.,

F. H. VILLIERS.

The Right Honourable

A. J. Balfour, O.M., M.P.,

&amp;c., &amp;c., &amp;c.

Ministère des Affaires Etrangères,

MONSIEUR LE MINISTRE,

Le Havre, le 5 Août, 1918.

J'AI l'honneur d'accuser la réception de l'office que Votre Excellence a bien voulu m'adresser le 27 juillet dernier, au sujet des mesures qui devront être prises, en matière d'importations et d'exportations, pendant la période de restauration qui s'écoulera après la cessation de la guerre.

Je me suis empressé de donner connaissance de cette communication à mes collègues que la question intéresse spécialement. Ils ne manqueront pas d'y donner, comme moi, toute leur attention.

Je tiens à dire, dès à présent, à Votre Excellence toute la satisfaction que m'a causée la lecture de passages où le Gouvernement britannique affirme, à nouveau, son vif désir d'aider de tout son pouvoir à la rapide restauration des industries des pays alliés qui ont subi les ravages de la guerre.

Le Gouvernement du Roi a entrepris, de son côté, Monsieur le Ministre, l'étude du régime exceptionnel qui devra être appliqué en Belgique au lendemain de la cessation des hostilités. Les indications que le Gouvernement britannique veut bien nous communiquer, quant à ses propres intentions, ne pourront que nous aider à poursuivre cette étude dans des voies pratiques.

Les deux Gouvernements trouveront sans doute utilité à s'entretenir, le moment venu, avec quelques détails, de leurs projets respectifs.

De la communication que les agents du Gouvernement britannique ont été chargés d'adresser aux Gouvernements des Etats neutres, il résulte implicitement que le Cabinet de Londres n'a pas cru opportun de prendre l'initiative de se délier, vis-à-vis ces Etats, des engagements qui pourraient être considérés comme ne se conciliant pas avec le régime de restrictions qu'il a en vue.

D'autre part, le Gouvernement britannique semble avoir jugé inutile de se préoccuper, dès à présent, de l'obstacle que ces engagements pourraient mettre à l'application de régimes douaniers différentiels, le jour où la situation sera devenue normale. J'en conclus que le Cabinet de Londres aura pensé qu'il s'écoulera, avant ce moment, un temps assez long pour que les décisions à prendre à cet égard puissent être différées : une année suffirait, en effet, le cas échéant, pour mettre fin aux obligations dont il serait devenu nécessaire de se dégager.

Je ne pourrais qu'être obligé à Votre Excellence de faire part des réflexions qui précèdent à Son Gouvernement, et je saisis cette occasion, etc.

HYMANS.

Son Excellence

L'Honorable Sir Francis H. Villiers,

&amp;c., &amp;c., &amp;c.,

Le Havre.

Enclosure 3 in No. 89.

SIR H. RUMBOLD (BERNE) to MR. BALFOUR.

(Despatched 4.10 p.m., received 7.15 p.m., 12th August, 1918.)

TELEGRAM.

(Paraphrase.)

No. 1351. I addressed two notes to the Federal Government on 9th July, based on your despatches Nos. 1168 and 1261 Commercial, of 15th June and 29th June, respectively, relative to British commercial policy towards neutral countries during the War and during the period of reconstruction following thereon.

The Secretary of the Political Department yesterday gave to Lord Acton a provisional verbal reply. The Acting Foreign Minister requested Monsieur Paravicini to state that it must be borne in mind that Switzerland is a small country whose industry is disproportionate to her size. She is further dependent on foreign countries both for the sale of her products and for obtaining raw materials. Owing to her geographical position Switzerland is largely dependent on her own industries.

Swiss Government must make all reservations with regard to the interpretation of Treaty of Commerce of 1855, as given in my two notes above-mentioned. They have, however, no doubt that when the time comes His Majesty's Government will take these circumstances into benevolent consideration, as they have always done when they have had an opportunity to show sympathy for Switzerland.



After careful examination of text a reply will be sent in due course. Swiss Government are anxious, however, to state at once that, should the intentions of His Majesty's Government be carried out as explained in notes, Switzerland will be put in a very difficult position. They are of opinion that the consequences to their trade and commerce of the programme submitted to them will probably be disastrous.

Nature of ultimate reply may, in view of the line adumbrated in the above verbal communication, render denunciation of the treaty worthy of consideration.

39797

No. 90.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada. Secret.)  
(Commonwealth of Australia. Confidential (3).)  
(New Zealand. Confidential (2).)  
(Union of South Africa. Confidential.)  
(Newfoundland. Confidential.)

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 30th September, 1918.

WITH reference to my despatch Dominions No. 548 of to-day,\* as to the policy which it has been decided to pursue during the period of reconstruction as regards Commercial Treaties, I have the honour to invite reference to my Confidential telegram of the 26th of February, 1918,† and [To Canada only: your Secret despatch of the 20th of March.‡] [To Australia only: your telegram of the 25th of April.§] [To New Zealand only: your telegram of the 14th of March.||] [To Union of South Africa only: your telegram of 18th April.¶] [To Newfoundland only: your telegram of 2nd April.\*\*]

2. Similar expressions of concurrence in the policy proposed were received from the other Dominion Governments.

I have, &amp;c.,

WALTER H. LONG.

42400

No. 91.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.) } Dominions No. 572. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 14th October, 1918.

WITH reference to my despatch Dominions No. 548, Confidential, of the 30th September,\* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a telegram from the British Consul-General in Liberia, and of a despatch from His Majesty's Minister at Lisbon, with reference to commercial treaties.

I have, &amp;c.,

WALTER H. LONG.

\* No. 89. † No. 81. ‡ No. 80. § No. 88. || No. 84. ¶ No. 87. \*\* No. 85.

Enclosure 1 in No. 91.

THE ACTING BRITISH CONSUL-GENERAL (MONROVIA) to FOREIGN OFFICE.

(Received 3.45 p.m., 28th August, 1918.)

(Paraphrase.)

No. 61. 28th August. I have communicated contents of your despatch of 24th July, No. 23, to Liberian Government, and they inform me Liberia proposes also to amend her commercial treaties with a view to elimination of enemy commercial encroachments after War, and that, as soon as decision has been taken, their representative will be notified.

Mr. Crommelin has not yet been informed. I have received this information in confidence.

Enclosure 2 in No. 91.

(No. 202. Commercial.)

SIR,

Lisbon, 14th August, 1918.

I HAVE the honour to report that, in reply to my note forwarding the copies of despatches enclosed in your despatch No. 252 Commercial, of the 6th instant, the Portuguese Secretary of State for Foreign Affairs has sent me a note expressing his appreciation of the intention of His Majesty's Government to assist their Allies, during the period of reconstruction after the War, in restoring their industries which have felt the effects of the War.

I have, &c.,  
(for His Majesty's Minister)  
WILLIAM SEEDS.

The Right Honourable

Arthur James Balfour, O.M., M.P.,  
&c., &c., &c.

52580

No. 92.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.) } Dominions No. 664. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 20th November, 1918.

WITH reference to my despatch Dominions No. 572, Confidential, of the 14th October,\* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a despatch from His Majesty's Chargé d'Affaires at Paris enclosing one from the Acting Montenegrin Minister for Foreign Affairs on the subject of Commercial Treaties.

I have, &c.,  
WALTER H. LONG.

Enclosure in No. 92.

(No. 42. Montenegro.)

SIR,

Paris, 7th August, 1918.

I have had the honour to receive your despatch No. 33 (Montenegro) of the 6th ultimo, on the subject of the policy which His Majesty's Government have decided to pursue during the period of reconstruction after the termination of hostilities.

\* No. 91.



I addressed a communication to the Montenegrin Government, in accordance with your instructions, and enclose herein copy of a note from the Acting Minister for Foreign Affairs acknowledging its receipt.

I have, &c.,  
GEORGE GRAHAME.

The Right Honourable  
A. J. Balfour, O.M., M.P.,  
&c., &c., &c.

Ministère Royal des Affaires Etrangères de Monténégro,  
Neuilly-sur-Seine, le 6 août, 1918.

J'ai l'honneur d'accuser à Votre Excellence bonne réception de Sa communication au sujet de la décision du Gouvernement de Sa Majesté Britannique, qui fait l'objet de Sa note en date du 22 juillet a.c. Je m'empresse de saisir de cette communication, si importante, mes collègues des Finances et de l'Intérieur.

En effet, le Monténégro, victime la lutte pour la cause commune, attendant avec foi et confiance sa liberté attend également de ses grands Alliés sa reconstitution économique. Les communications de Votre Excellence en sont un bon présage.

En présentant à Votre Excellence la vive gratitude du Gouvernement Royal, je La prie, &c.

DR. P. CHOTCH.

Son Excellence  
Monsieur George Grahame,  
Ministre Plénipotentiaire,  
Chargé des Affaires de la Grande  
Bretagne près le Gouvernement  
Monténégro, Paris.

# RESOLUTION XXV.: MUTUAL ENFORCEMENT OF JUDGMENTS AND ORDERS OF COURTS OF JUSTICE, INCLUDING JUDGMENTS AND ORDERS AS TO COMMERCIAL ARBITRATION AWARDS.

That the Imperial Government should consider in concert with the Dominion Governments whether, and to what extent, and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of judgments and orders of the Courts of Justice in another part, including judgments or orders for the enforcement of Commercial Arbitration Awards.

27939

No. 93.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 94 and 95.]

(Canada. No. 420.)  
(Commonwealth of Australia. No. 374.)  
(New South Wales. No. 31.)  
(Victoria. No. 20.)  
(Queensland. No. 27.)  
(South Australia. No. 60.)  
(Western Australia. No. 26.)  
(Tasmania. No. 26.)  
(New Zealand. No. 297.)  
(Union of South Africa. No. 438.)  
(Newfoundland. No. 253.)

[MY LORD,] [SIR,]

Downing Street, 26th April, 1916.

WITH reference to my predecessor's despatch No. [931,] [761,] [205,] [150,] [141,] [129,] [137,] [121,] [492,] [564,] [349,] of the 17th December, 1913,\* I have the honour to transmit to [Your Royal Highness,] [Your Excellency,] [you,] to be laid before your Ministers, copies of a Draft Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire; together with a memorandum on the subject.

I have, &c.,  
A. BONAR LAW.

Enclosure in No. 93.

JUDGMENTS EXTENSION BILL.

Memorandum.

THIS Bill has been prepared with a view to giving effect to the Resolution passed at the Imperial Conference in 1911, that:—

"The Imperial Government should consider in concert with the Dominion Governments whether, and to what extent, and under what conditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of judgments and orders of the Courts of Justice in another part, including judgments or orders for the enforcement of arbitration awards."

The Bill is drawn on the lines of the Judgments Extension Act, 1868, which provides for the mutual enforcement in one part of the United Kingdom of judgments and orders of Courts of Justice in another part.

The Bill, however, is confined to the manner in which judgments of Courts of Justice outside the United Kingdom may be enforced within the United Kingdom.

So far as the enforcement out of the United Kingdom of a judgment obtained in a Court of the United Kingdom is concerned, the Bill merely provides for obtaining from the Court which passed the judgment a certificate of the judgment.

\* No. 558 in Dominions No. 45.



The manner in which the judgment is to be registered and enforced is left to be provided for by the legislature of the part of the Empire in which it is desired to enforce it. The Bill will not apply to any part of the Empire until reciprocal legislation for that purpose has been passed by such legislature.

The procedure proposed is that the judgment which it is desired to enforce in England, Scotland or Ireland shall be registered in the High Court or Court of Session, as the case may require. Thereupon the judgment so registered becomes enforceable as if it were a judgment of the Court in which it is registered, and that Court has the same jurisdiction with respect to the enforcement of the judgment as it has with respect to the enforcement of judgments pronounced by the Court itself. The Court in which it is registered therefore could order a stay of execution in any case where it thought right to do so.

Power is conferred to make rules of court, regulating the practice to be observed. Rules could be made similar to those made under the Judgments Extension Act, 1868, and the Judicature Acts, as to the form of affidavit required for obtaining a certificate of a judgment.

The Bill extends to (1) final judgments; (2) final orders; (3) arbitration awards enforceable as a judgment or order.

DRAFT OF A BILL TO FACILITATE THE RECIPROCAL ENFORCEMENT OF JUDGMENTS, ORDERS AND AWARDS IN THE UNITED KINGDOM AND OTHER PARTS OF HIS MAJESTY'S DOMINIONS.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where a judgment has, whether before or after the passing of this Act, been made against any person by a Superior Court of any part of His Majesty's Dominions outside the United Kingdom to which this Act extends, then, on production of a certified copy of the judgment to the proper officer of the High Court in England or Ireland, or the Court of Session in Scotland, the judgment shall be registered in a register kept for the purpose, and shall from the date of registration be of the same force and effect, and all proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the Court in which it is so registered:

Provided that a certificate of such a judgment shall not, without leave of the Court or a Judge of the Court in which it is sought to be registered, be so registered more than twelve months after the date of the judgment.

(2) The reasonable costs of and incidental to the registration of the judgment and of obtaining the certificate thereof shall be recoverable in like manner as if they formed part of the original judgment.

(3) The Court in which any judgment is registered under this section shall have the same control and jurisdiction over the judgment so registered as it has over a similar judgment made by the Court itself, but in so far only as relates to execution under this Act.

(4) In any action brought in any Court in the United Kingdom on any judgment which might be registered under this Act, the party bringing the action shall not be entitled to recover any costs unless the Court or a Judge thereof otherwise orders.

2. Where a judgment has, either before or after the passing of this Act, been obtained in the High Court in England or Ireland, or the Court of Session in Scotland, against any person, the Court or a Judge thereof shall, on application being made by the person by whom the judgment was obtained, and on proof that the person against whom the judgment was obtained is resident in some part of His Majesty's Dominions outside the United Kingdom to which this Act extends, issue to the applicant a certified copy of the judgment.

3. Rules of Court may be made regulating the practice to be observed in the execution of this Act or in any matter relating thereto, including the scale of fees to be charged and the evidence to be adduced.

4. For the purposes of this Act the expression "judgment" means any final judgment or final order given or made by a Court in any civil proceedings whereby any sum of money is made payable, and includes any award in proceedings on an arbitration which may be enforced in the same manner as a judgment or order of a Court to the same effect.

5.—(1) Where His Majesty is satisfied that reciprocal provisions have been made as respects any part of His Dominions outside the United Kingdom for the enforcement within that part of judgments obtained in the High Court in England and Ireland, and the Court of Session in Scotland, His Majesty may, by Order in Council, extend this Act to that part, and thereupon that part shall become a part of His Majesty's Dominions to which this Act extends.

(2) An Order in Council under this section may be varied or revoked by a subsequent Order.

6. This Act may be cited as the Judgments Extension Act, 1914.

10781

No. 94.

NEW SOUTH WALES.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 27th February, 1917.)

(No. 3.)

SIR,

Government House, Sydney, 5th January, 1917.

WITH reference to your despatch No. 31, of 25th April, 1916,\* transmitting copies of a draft Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire, I have now the honour to inform you that Ministers have received a report from the Deputy Prothonotary on the Bill, in which the Chief Justice and the Attorney-General concur.

2. I beg leave to transmit copies of this report, together with the accompanying *Gazette* extracts† and Acts.‡

I have, &amp;c.,

ARCHD. H. SIMPSON,

By deputation from  
His Excellency the Governor.

Enclosure in No. 94.

NEW SOUTH WALES.

## REPORT OF DEPUTY PROTHONOTARY ON THE JUDGMENTS EXTENSION BILL.

THE proposed Bill introduces a reform which in my opinion is highly desirable; to ensure its application to New South Wales a similar measure would have to be passed. If it is decided to introduce such a Bill I would suggest that the draft be submitted to the Judges of the Supreme Court before its introduction.

The usefulness of the proposed Bill may be impaired if the foreign judgment, when registered, can only be enforced by execution, as appears to be the case in judgments registered under the Judgments Extension Act, 1868, cf. *re Watson* (1893) 1.Q.B.21 and *re a Bankruptcy Notice* (1898) 1.Q.B.383. There does not appear to be any reason why the same remedies should not be available to enforce a judgment so registered, as any ordinary judgment of the Court in which it is registered. It appears from the cases cited that in view of the terms of the third sub-clause of clause 1, sub-clause 1 of clause 1 would not be construed as effecting this purpose. I would suggest that the certified copy of the foreign judgment, when registered, should be and become a judgment of the Court in which it is registered, and that the limitation of the Court's control in the third sub-clause be eliminated. The only limitation to the control of the Court of Registry which, in my opinion, it may be advisable to specify, is that the Court of Registry cannot set aside or vary the original judgment. Such Court may, with advantage, be authorized to set aside the registration of the certified copy of the judgment.

Provision should be made, either in the Bill or rules to be made thereunder, defining "certified copy." Possibly it should be sealed with the seal of the Court in which the judgment is obtained, as prescribed in the Evidence Act, 1898 (N.S.W.) and other similar enactments.

In the proviso to the first sub-clause of clause 1 I would suggest using the words "certified copy" instead of the word "certificate."

\* No. 93.

† Government Gazette No. 743 of 30th December, 1902.

‡ Act No. 11 of 1901 as amended by Act No. 18 of 1912.



Provision may also be made in the rules that before a certified copy of a judgment can be registered an affidavit as to the amount due under the judgment must be filed in the Court of Registry, and that such affidavit must be sworn on a date subsequent to the issue of the certified copy.

In sub-clause 2 of clause 1 I would suggest using the words "certified copy" instead of the word "certificate." There may perhaps be an addition to this sub-clause requiring the amount of the costs of obtaining the certified copy of the judgment to be endorsed on such certified copy, or this may also be provided for by rule.

In clause 2 is it necessary to require proof that the judgment debtor is resident in some part of H.M. dominions, out of the jurisdiction of the Court in which the original judgment was obtained, before a certified copy of such judgment can be issued? Such proof may be difficult, and before the certified copy can be registered there may be another change of residence. Apparently no improper use could be made of the certified copy judgment, when issued, and at the present time such a certified copy can be obtained for the purpose of instituting an action. It is also apparent that a judgment debtor, though not resident in, say, New Zealand, may have property there against which it is desired to enforce a judgment obtained in another part of H.M. dominions. Is the judgment creditor in such a case to be left to his present remedy of an action on the judgment?

Clause 4 raises some debatable questions, by including in the term "judgment" an arbitration award. Can a certified copy of such an award be given, unless the award is made a record of the Court? Under the N.S.W. Arbitration Act, 1902, an award in an action may be turned into a judgment, seeing that the award is equivalent to the verdict of a jury, and judgment may be entered in accordance therewith, on the proper steps being taken. As to awards in submissions, by consent, out of Court, it is open to question whether they ought to be included in the proposed Bill. The same object could be attained by an amendment of the Arbitration Act, authorizing the Court or a Judge to order that judgment may be entered in accordance with such an award. A similar kind of judgment may at the present time, both in England and N.S.W., be entered by order of a Judge, on the allocatur or certificate of a taxing officer, where a bill of costs has been taxed between solicitor and client.

Provision could also be made in the rules requiring notification of the registration of judgments, and of the result of proceedings taken thereon.

I am enclosing herewith a copy of the Service and Execution of Process Act (Federal), and of the rules made thereunder,\* and under the general powers of the Supreme Court of N.S.W.

ARTHUR G. SADDINGTON.  
Deputy Prothonotary.

30th November, 1916.

14319

No. 95.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 17th March, 1917.)

[Answered by No. 104.]

(No. 157.)

SIR, Government House, Ottawa, 5th March, 1917.  
WITH reference to your despatch No. 420, of the 26th April,† on the subject of the Judgments Extension Bill, I have the honour to transmit, herewith, copies of replies which have been received from the Provinces of Quebec and New Brunswick, expressing the views of the Governments of those Provinces on the provisions of the draft Bill enclosed in your despatch.

The other Provinces have been requested to expedite their replies.

I have, &c.,  
DEVONSHIRE.

\* Not printed.

† No. 93.

Enclosure 1 in No. 95.

(1116/16.)

SIR,

Quebec, 21st June, 1916.

I HAVE the honour, in reply to your despatch No. 1373, dated the 19th day of May, 1916, transmitting a copy of the draft of a Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of His Majesty's Dominions, and also memorandum accompanying the Bill, to inform you that my Government advises that our law, at present, on this question is contained in the Code of Civil Procedure, and is to the effect that a judgment out of Canada confers no benefit upon the plaintiff, as any defence which was or might have been set up to the original action may be pleaded to an action brought upon a judgment rendered out of Canada (C.C.P. Art. 210).

To change our law, as suggested in the memorandum, would have the effect of compelling defendants resident in the Province to carry on abroad the contestation of any action that might be taken against them in the United Kingdom, which might, in many cases, be a considerable hardship.

For these reasons my Government does not regard the passing of such an Act as in the interest of the people of this Province.

I have, &c.,  
P. E. LEBLANC,  
Lieutenant-Governor.

The Honourable  
The Secretary of State,  
Ottawa.

Enclosure 2 in No. 95.

PROVINCE OF NEW BRUNSWICK.

SIR,

Fredericton, New Brunswick, 20th October, 1916.

WITH reference to your letter of 18th May last, enclosing a copy of a draft Bill to facilitate the enforcement of judgments, etc., in the United Kingdom and other parts of the Empire, together with a memorandum on the subject, I placed the same before my Ministers for their consideration, and the same was referred to the Attorney-General for his opinion.

I herewith enclose three copies of the Attorney-General's opinion in regard to the proposed legislation.

Yours, &c.,  
JOSIAH WOOD,  
Lieutenant-Governor.

Thomas Mulvey, Esq.,  
Under-Secretary of State,  
Ottawa.

EXECUTIVE COUNCIL, NEW BRUNSWICK.

SIR,

Fredericton, New Brunswick, 7th October, 1916.

I AM directed by the Executive Council to acknowledge the receipt of your communication of the 7th June last, enclosing copy of a draft Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire, together with a memorandum on the subject, and to inform Your Honour that the same has been placed before your Ministers for their information.

That the said matter was referred to the Honourable the Attorney-General for his opinion in the matter, and his opinion, which I now beg to enclose, has been adopted by the Executive Council as its answer in reference to the said memorandum and draft Bill, so far as the same relates to this Province.

I have, &c.,  
J. HOWE DICKSON,  
Clerk, Executive Council.

Hon. Josiah Wood, D.C.L., LL.D.,  
Lieutenant-Governor,  
Sackville, New Brunswick.



THE Attorney-General reports that he has considered the despatch from His Honour the Lieutenant-Governor enclosing a copy of an Imperial draft Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire, and in his opinion it is not advisable to enact such legislation unless it should be confined to judgments obtained in actions where the defendant at the time of institution of the action is actually resident or doing business within the jurisdiction where such action is instituted and has been actually served with process in such jurisdiction or where the defendant has appeared to such action.

In this Province there exist extremely liberal provisions by which the Court may permit the institution of an action against a defendant residing out of the jurisdiction. He is not aware whether the provisions relative to this subject are as extensive in other jurisdictions, but is of the opinion that, under the proposed Bill, if similar conditions exist elsewhere, a defendant might be drawn before a distant tribunal and confronted with the necessity of incurring great expense in opposing a claim. Under the statutes of New Brunswick, where the defendant has not been served with the first process in an action commenced in another jurisdiction and has not appeared thereto, he is entitled to raise all questions in an action upon the judgment which he might have set up in answer to the original claim. It would appear that the draft Bill would prevent the operation of this useful and just provision, and therefore in his opinion it is not advisable to concur in the suggested legislation unless it is limited as above intimated.

34254

No. 96.

## NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 3.30 p.m. 5th July, 1917.)

TELEGRAM.

[Answered by No. 98.]

YOUR despatch 6th June, No. 74,\* Imperial Act, referred to in Bill 11† not yet passed. Introduction of Bill, draft of which enclosed in my predecessor's despatch No. 253, 26th April, 1916,‡ has been postponed pending replies from Oversea Governments, which may involve amendment of Bill, as it is considered desirable to arrive at general agreement before legislating, this being necessary to success of system.—LONG.

34254

No. 97.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 99, 100, 101, 102, 103, 105, and 106.]

(Commonwealth of Australia. No. 257.)

(Victoria. No. 25.)

(Queensland. No. 27.)

(South Australia. No. 44.)

(Western Australia. No. 24.)

(Tasmania. No. 19.)

(New Zealand. No. 109.)

(Union of South Africa. No. 324.)

[MY LORD,] [SIR,]

Downing Street, 14th July, 1917.

WITH reference to my predecessor's despatch No. [374,] [20,] [27,] [60,] [26,] [26,] [297,] [438,] of the 26th April, 1916,† I have the honour to request [Your Excellency] [you] to inform your Ministers that I should be glad to learn whether they desire to offer any observations in regard to the draft Bill to facilitate

\* 31185: not printed: this contained various Newfoundland Bills. † i.e., a Newfoundland Bill to facilitate the reciprocal enforcement of judgments, orders and awards in Newfoundland and other parts of His Majesty's dominions. ‡ No. 93.

the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire.

Pending the receipt of replies from the Oversea Governments the introduction of the Bill into Parliament has been postponed.

I have, &amp;c.,

WALTER H. LONG.

44343

No. 98.

## NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 16th September, 1917.)

(No. 109. Extract.)

Government House, St. John's, 10th August, 1917.

\* \* \* \* \*

4. WITH regard to Act No. 14,\* "To facilitate the Reciprocal Enforcement of Judgments, Orders and Awards in Newfoundland and other parts of His Majesty's Dominions," I have the honour to invite attention to correspondence ending with your telegram of 5th July.†

My Ministers, after personal consultation with me, advised that this Bill, which had already passed through all its stages, should be passed into law at the present time, subject to its amendment in terms of the final decision of the Imperial and Dominion Governments.

53538

No. 99.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st October, 1917.)

(No. 807.)

SIR,

Governor-General's Office, Pretoria, 13th September, 1917.

WITH reference to your despatch No. 324, of the 14th July,‡ I have the honour to inform you that my Ministers are of opinion that the machinery proposed in the draft Bill for facilitating the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire appears adequate and sufficient.

2. Ministers are advised, however, that an application to the Court or a Judge for a certified copy of a judgment appears to be unnecessary, that the successful party should be entitled to such a copy on satisfying the Registrar that the defendant is resident abroad, and that the provision in section 2 of the draft Bill seems to involve unnecessary expense.

I have, &amp;c.,

BUXTON.

Governor-General.

300

No. 100.

## NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd January, 1918.)

(No. 270.)

SIR,

Government House, Wellington, New Zealand, 18th October, 1917.

WITH reference to your despatch No. 109, of the 14th July,‡ inquiring whether my Ministers wish to offer any observations in regard to the draft Bill which has been drawn up with the object of facilitating the reciprocal enforcement of judgments, orders and awards in the United Kingdom and in other parts of the British Empire,

\* i.e., 8 Geo. V., cap. 23.

† No. 96.

‡ No. 97.



I have the honour to inform you that the Government of this Dominion approve of the Bill as drafted, that they do not desire to make any observations with respect thereto, and that they are prepared, if the Bill becomes law in the United Kingdom, to introduce corresponding legislation in this Dominion.

I have, &c.,  
LIVERPOOL,  
Governor-General.

1622

No. 101.

TASMANIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 9th January, 1918.)

(No. 42.)

SIR, Government House, Hobart, Tasmania, 17th November, 1917.  
I HAVE the honour to enclose to you a signed copy of a letter I have received from Sir N. E. Lewis, K.C.M.G., on behalf of the Premier of this State, dated the 10th of November, 1917, on the subject of the facilitating the reciprocal enforcement of judgments, orders and awards in the United Kingdom in accordance with the draft Bill to be introduced in the Imperial Parliament.

I have, &c.,  
F. A. NEWDEGATE,  
Governor.

Enclosure in No. 101.

(164/5/17.)

YOUR EXCELLENCY,

10th November, 1917.

REFERRING to the Secretary of State's despatch No. 19, of 14th July last,\* and to the draft Bill to be introduced in the Imperial Parliament to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom, I have the honour to inform you that the proposed Imperial legislation to recognize judgments obtained in Superior Courts throughout the Empire would be of distinct advantage, and has the support of the Government of this State.

Upon the Bill becoming law in the United Kingdom your Ministers will introduce a Bill upon similar lines in this State.

I have, &c.,  
N. E. LEWIS,  
For Premier.

His Excellency  
The Governor of Tasmania,  
Hobart.

5754

No. 102.

SOUTH AUSTRALIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1st February, 1918.)

(No. 83.)

SIR, Government House, Adelaide, 3rd December, 1917.  
I HAVE the honour to acknowledge receipt of your despatch No. 44, of the 14th July last,\* in which you invite my Ministers to offer observations in regard to the draft Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire.

\* No. 97.

2. Ministers desire me to say that the proposed Bill is acceptable to this Government, and on the Bill being passed by the Imperial Government legislation will be introduced in this State to secure the benefits of reciprocity.

I have, &c.,  
H. L. GALWAY,  
Governor.

16216

No. 103.

VICTORIA.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3rd April, 1918.)

(No. 4.)

SIR, State Government House, Melbourne, 5th February, 1918.  
WITH reference to your despatch No. 25, of the 14th July last,\* I have the honour to inform you that my Ministers see no objection, so far as this State is concerned, to the draft Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire, if some limitation be imposed as regards the nature of the judgments to which it can be applied should it become law.

2. My Ministers are of opinion that it would be unwise to make enforceable abroad, by the method proposed, judgments which, as the law at present stands, would, for practicable purposes, be enforceable only within the jurisdiction of the Court in which the judgment was obtained.

3. If, therefore, clause 4 of the Bill be amended and "judgment" interpreted to mean a judgment recovered either in a defended suit or in a suit where the person against whom the judgment was originally recovered resided within the jurisdiction of the Court or had submitted himself to it, objection to the Bill as it stands would be removed.

I have, &c.,  
A. L. STANLEY.

16216

No. 104.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Sent 6.30 p.m. 1st May, 1918.)

TELEGRAM.

[Answered by No. 106.]

(Canada.)  
(Commonwealth of Australia.)  
(Queensland.)  
(Western Australia.)

[To Canada only: 1st May.] [To Australia, Queensland, and Western Australia: Reference to my despatch 26th April, 1916, my despatch of 14th July, 1917.]† [To Canada only: Reference to your despatch of 5th March, 1917.]‡ Reciprocal enforcement of judgments: would be glad of your Ministers' observations as soon as convenient. [To Canada only: and for replies from Provinces other than Quebec, New Brunswick.]—LONG.

\* No. 97.

† Nos. 93 and 97.

‡ No. 95.



28169

No. 105.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 10th June, 1918.)

(No. 116.)

SIR, Governor-General's Office, Melbourne, 15th April, 1918.  
 REFERRING to your despatch No. 257, dated 14th July last,\* regarding a draft Bill to facilitate the reciprocal enforcement of judgments, orders and awards in the United Kingdom and in other parts of the Empire, I have the honour, at the instance of my Prime Minister, to inform you that my Ministers see no objection to this proposed measure.

I have, &c.,  
 R. M. FERGUSON,  
 Governor-General.

31612

No. 106.

## WESTERN AUSTRALIA.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 27th June, 1918.)

(No. 11.)

SIR, Government House, Perth, 9th May, 1918.  
 WITH reference to your despatch of the 14th of July, 1917, and your telegram of the 1st of May last,† I have the honour to state that my Ministers have at last informed me that they propose to introduce a Bill for the reciprocal enforcement of judgments, orders and awards in the United Kingdom and other parts of the Empire identical with the draft Bill forwarded for their consideration in Mr. Bonar Law's despatch of the 26th of April, 1916,‡ with the provisions of which they are in accord.

I have, &c.,  
 WILLIAM ELLISON MACARTNEY,  
 Governor.

\* No. 97.

† Nos. 97 and 104.

‡ No. 93.

## II.

## IMPERIAL WAR CONFERENCE, 1917.

## CORRESPONDENCE AS TO PRELIMINARY ARRANGEMENTS.

No. 107.

HOUSE OF COMMONS DEBATES, 19TH DECEMBER, 1916.

EXTRACT FROM THE SPEECH OF THE PRIME MINISTER (MR. LLOYD GEORGE).

Now I come to the question of the Dominions. Ministers have repeatedly acknowledged the splendid assistance which the Dominions have given, of their own free will, to the old country in its championship of the cause of humanity. The great ideals of national fair play and justice appeal to the Dominions just as insistently as to us. They have recognized throughout that our fight is not a selfish one, and that it is not merely a European quarrel, but that there are great world issues involved which their children are as concerned in as our children. The new Administration are as full of gratitude as the old for the superb valour which our kinsmen have shown in so many stricken fields, but that is not why I introduce the subject now. I introduce the subject now because I want to say that we feel the time has come when the Dominions ought to be more formally consulted as to the progress and course of the War, as to the steps that ought to be taken to secure victory, and as to the best methods of garnering in the fruits of their efforts as well as of our own. We propose, therefore, at an early date to summon an Imperial Conference, to place the whole position before the Dominions, and to take counsel with them as to what further action they and we can take together in order to achieve an early and complete triumph for the ideals they and we have so superbly fought for.

61111

No. 108.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS OF THE SELF-GOVERNING DOMINIONS.

(Sent 4.45 p.m., 20th December, 1916.)

TELEGRAM.

FULL report of Prime Minister's statement\* respecting summoning of conference will have been received by your Ministers through Reuter. They will doubtless concur as to desirability of this as soon as practicable. I realize that state of public business may be a difficulty in some Dominions, and I should be glad to have early expression of views of your Ministers as to date at which attendance of Government's representatives would be possible, and also as to the questions which they would suggest for discussion with a view of attaining the objects indicated by the Prime Minister. After collecting views of all Dominions I will communicate further.—LONG.

62182

No. 109.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS OF THE SELF-GOVERNING DOMINIONS.

(Sent 8.0 a.m., 25th December, 1916.)

TELEGRAM.

I wish to explain that what His Majesty's Government contemplate is not a session of the ordinary Imperial Conference, but a special War Conference of the Empire. They therefore invite your Prime Minister to attend a series of special and continuous meetings of the War Cabinet, in order to consider urgent questions affecting the prosecution of the War, the possible conditions on which, in agree-

\* No. 107.



ment with our Allies, we could assent to its termination, and the problems which will then immediately arise. For the purpose of these meetings your Prime Minister would be a member of the War Cabinet.

In view of the extreme urgency of the subjects of discussion, as well as of their supreme importance, it is hoped that your Prime Minister may find it possible, in spite of the serious inconvenience involved, to attend at an early date, not later than the end of February. While His Majesty's Government earnestly desire the presence of your Prime Minister himself, they hope that if he sees insuperable difficulty he will carefully consider the question of nominating a substitute as they would regard it as a serious misfortune if any Dominion were left unrepresented.

Arrangements made to publish this here on Wednesday morning. Please make arrangements to publish simultaneously.

[To New Zealand] Communicated to Massey.

—LONG.

62427

No. 110.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 3.30 p.m., 27th December, 1916.)

TELEGRAM.

(Paraphrase.)

YOUR telegram of 25th December\* respecting War Conference of the Empire. My Prime Minister will attend.—DAVIDSON.

62425

No. 111.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.15 a.m., 28th December, 1916.)

TELEGRAM.

(Paraphrase.)

(Extract.)

UNION GOVERNMENT desire to thank His Majesty's Government for the invitation to the special War Conference, and, with an anxious desire to assist in every way, they will certainly be represented in Conference.

For local reasons, however, it may not be possible for Prime Minister to attend, but the Government will give their best consideration to this question and that of the possible substitute.—BUXTON.

545

No. 112.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS OF THE SELF-GOVERNING DOMINIONS.

(Sent 10.30 p.m., 1st January, 1917.)

TELEGRAM.

(Paraphrase.)

I WISH to make it clear that if your Prime Minister desires the presence at the War Cabinet of colleagues of whose special knowledge he wishes to avail himself the latter will be welcome, though of course the Prime Minister alone will

\* No. 109.

be a member of the War Cabinet. Further, if your Ministers should desire to discuss other questions of common interest not directly affecting the conduct of the War, or less appropriate for discussion at the War Cabinet, His Majesty's Government are prepared to arrange facilities for conferring on any other questions awaiting decision between the Imperial Government and the Dominions, although it may not be possible for the Prime Minister to preside.

[To New Zealand.] Massey informed.

—LONG.

9526

No. 113.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.45 p.m., 6th January, 1917.)

TELEGRAM.

(Paraphrase.)

THE Prime Minister agrees that it is highly desirable that General Smuts should attend the Conference, and the War Office will make arrangements necessary during his absence.—LONG.

1246

No. 114.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.10 a.m., 6th January, 1917.)

TELEGRAM.

(Paraphrase.)

5TH JANUARY. Your telegram of 25th December\* has been published here. Matter has been taken into earnest consideration by my Prime Minister and his colleagues, and they concur in view that it is his duty to attend the Conference without regard to any difficulties here which his absence may occasion. In order that business may be facilitated and advanced as much as possible before his departure, Parliament has been summoned for 18th January.

Prime Minister would greatly appreciate information of a more definite character as to questions to be considered, especially those touching the prosecution of War and conditions of peace as far as they have been considered. Earliest possible information as to the latest date on which Prime Minister could leave here and as to probable length of sitting of Conference would be welcome.—DEVONSHIRE.

1807

No. 115.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.20 a.m., 9th January, 1917.)

TELEGRAM.

(Paraphrase.)

PRIME MINISTER sends following:—

Begins: Regret to say that it does not appear probable that Prime Minister will be able to attend Imperial War Conference if it is held before next June.—MUNRO FERGUSON.

\* No. 109.



2225

No. 116.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.15 p.m., 10th January, 1917.)

TELEGRAM.

(Paraphrase.)

My telegram of 27th December.\* Cabinet have now had opportunity of discussing invitation to Prime Minister to attend War Council made by His Majesty's Government.

They are of opinion that it is impossible for General Botha to leave Union until Parliament has met and passed certain measures which it is the intention of the Government to bring forward. Parliament does not meet until 10th February.

It was also decided by the Cabinet to ask His Majesty's Government if they would be prepared to release J. C. Smuts from the East African command in order that he can return here, and, after consulting his colleagues, proceed to Europe as the Prime Minister's representative at the earliest possible moment.—Buxton.

No. 117.

## OFFICIAL NOTICE BY THE WAR OFFICE PUBLISHED IN NEWSPAPERS OF 16TH JANUARY, 1917.

THE Union Government have now had an opportunity of considering the invitation from His Majesty's Government to the Prime Minister of the Union to attend, or to be represented, at the special War Conference of the Empire to be held in London at an early date.

The Union Government are of opinion that the necessity for dealing with various urgent matters of public importance requiring attention during the forthcoming session of Parliament constitutes an insuperable difficulty in the way of the Prime Minister leaving the Union at the present time.

They accordingly approached the Imperial Government with a view to the release if possible of Lieutenant-General J. C. Smuts from his military command in East Africa so as to enable him to attend the Conference; and the Secretary of State for War has now instructed General Smuts to hand over the command of the British Expeditionary Force in East Africa as soon as the military situation admits. It is realized that the larger issues at stake and the value of General Smuts's presence at the Conference are considerations which make it essential that he should comply with the wishes of the Union Government if circumstances make such compliance possible.

The military situation in East Africa is fortunately such as to make a change in command and some reorganization comparatively simple, and, indeed, the steps that are now contemplated, in consequence of the sudden demand for General Smuts's services elsewhere, are those which would have been taken in any case very shortly. In February, 1916, when General Smuts assumed command, the whole of German East Africa and some portion of British territory was in enemy possession. At the present time, eleven months later, nothing of German East Africa remains to the enemy, except a comparatively small and unimportant area to the south and south-east, where his retiring forces are collecting. The enemy does not possess a single railway, town, or seaport. His forces, in consequence of casualties and desertion, are much reduced in strength and *moral*; his loss in artillery has been considerable; his food supply is dwindling, and he is compelled to remain where he has established magazines.

Scanty and shrinking transport resources restrict his power of movement for offensive operations to small forces or a definitely limited radius. During the last

\* No. 111.

ten days operations on the Mgeta front have caused the enemy to retire across the Rufiji, over which we now hold an important crossing and can move as occasion requires. On the other fronts the enemy has given way during the same period, evidently in agreement with a plan for a general withdrawal to fresh lines. In these circumstances it has been possible to accede to the wish of the Union Government and to arrange for the release of General Smuts from the East Africa command.

4273

No. 118.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS OF THE SELF-GOVERNING DOMINIONS.

(Sent 10.25 p.m., 22nd January, 1917.)

TELEGRAM.

(Paraphrase.)

WE are considering carefully detailed list of subjects for discussion at forthcoming conference. I hope to telegraph to you very shortly as to this. General subjects proposed to be discussed are:—

- (1) Increased effort and closer combination with a view to the more effective prosecution of the War and increase of war supplies;
- (2) The line to be adopted by us all in the event of fresh peace proposals;
- (3) Other problems arising immediately upon peace.

Other subjects not so directly affecting conduct of the War can be considered in conference here.

As I have already intimated, we shall welcome any of his colleagues whom your Prime Minister may desire to attend the conference, especially Ministers charged with Finance and Defence.

It is desirable that the conference should meet as speedily as possible. Please telegraph date when representatives of your Government can be expected.—LONG.

4273

No. 119.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS OF THE SELF-GOVERNING DOMINIONS.

(Sent 5.40 p.m., 26th January, 1917.)

TELEGRAM.

PROPOSED subjects referred to in my telegram 22nd January\* are as follows. List is not intended to be exhaustive, especially under first heading:—

- (1) Increased effort in men, money, transport, etc.:—
  - (a) Shipping control.
  - (b) Methods of recruiting in this country.
  - (c) What is being done in all other parts of the Empire.
- (2) Policy with respect to proposals for peace:—
  - (a) Changes in territory.
  - (b) Policy of the clean slate, i.e., of barring in treaty of peace all claims of enemy Governments or individuals.
  - (c) Policy of free hand commercially, i.e., of refusing to enemy commerce most favoured nation or other terms.
  - (d) Revival of treaties with enemy Powers. War having terminated all treaties it will be necessary to draw up a schedule of treaties to be revived.
- (3) Immediate problems arising on conclusion of peace:—
  - (a) Demobilization.
  - (b) Policy after War as regards commerce and industries, including tariff treatment of German shipping, subsidizing of British shipping.
  - (c) Constitution of Empire.

\* No. 118.



Other subjects which might be discussed here, not connected so directly with War:—

- (1) Double income tax.
- (2) Organization of the consular and intelligence services; see [my despatch No. 1260, 9th November.\*] [your despatch No. 292, 3rd August.†] [my despatch No. 893, 9th November.\*] [my despatch No. 1288, 9th November.\*] [my despatch No. 791, 9th November.\*]
- (3) Naturalization and control of aliens.
- (4) Prize Bill.
- (5) Control of meat supplies.
- (6) Emigration.

—LONG.

5172

No. 120.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3.40 a.m., 29th January, 1917.)

TELEGRAM.

(Paraphrase.)

28TH JANUARY. Secret. The Prime Minister has arranged for Parliament to adjourn during his absence. Business will be expedited so that he can sail not later than 10th February. Minister of Naval Defence and another Minister will accompany him. Having regard to recent visit of Minister of Finance it is considered that his presence will not be necessary, and, moreover, his duties require his presence here. It will not be possible for Minister of Defence to leave, and his attendance is not considered necessary, as Minister of Overseas Service will be available when required.—DEVONSHIRE.

6142

No. 121.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 7.45 a.m., 2nd February, 1917.)

TELEGRAM.

(Paraphrase.)

Your telegram 22nd January.† Invitation much appreciated, but it is not proposed that New Zealand should be represented except by the Prime Minister and Minister of Finance, who are in England already.—LIVERPOOL.

8620

No. 122.

NEW ZEALAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4.15 p.m., 15th February, 1917.)

TELEGRAM.

(Paraphrase.)

ACTING PRIME MINISTER would be glad if you would kindly furnish Mr. Massey with a copy of the following list of subjects which have been suggested for discussion at the Imperial War Council:—

(1) Reciprocal preferential trade relations between all parts of the British Empire.

\* No. 105 in Dominions No. 59.

† No. 103 in Dominions No. 59.

‡ No. 118.

- (2) Reciprocal trading relations between British Empire and Allied countries.
- (3) Trade after the War and the general policy to be pursued by British countries in dealing with trades belonging to enemy countries.
- (4) Cable services.
- (5) Patents of enemy countries for post-War trade and uniformity of patents, designs, and trade-marks.
- (6) Naturalization.
- (7) Registration of aliens, and refusal of permission to certain aliens to trade except under licence.
- (8) State supervision after the War of businesses carried on by persons belonging to enemy countries.
- (9) Double income tax.
- (10) The future of enemy possessions in the Pacific.
- (11) The relations between Dominion Governments and natives of India, Malta, etc.:—

Are they to be allowed to enlist in our Expeditionary Force?

Are they to have an unrestricted right of entry into all parts of the British Empire?

- (12) Finance, viz., present War Loan policy of New Zealand; after-War requirements.
- (13) Recovery of debts from enemy debtors.
- (14) Shipping facilities during the War and after; the latter to include provisions for the return to New Zealand of the Expeditionary Force.
- (15) Demobilization of the New Zealand Expeditionary Force (for proposals see scheme now in the hands of General Richardson).
- (16) Immigration.
- (17) Means of developing New Zealand industries after the War; experiences of Great Britain in production during the War; scientific and industrial research and post-War policy.
- (18) Naval policy of New Zealand.
- (19) Imperial defence and representation of the Dominion on an Imperial Council.—LIVERPOOL.



## III.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF THE  
IMPERIAL WAR CONFERENCE, 1917.

## RESOLUTION I.: DEMOBILIZATION.

It was agreed that all Dominion contingents in France should start as soon as possible with their equipment from a French or Belgian port, but arrangements will be made to give individual soldiers desiring to visit this country furlough for that purpose.

## RESOLUTION II.: UNIFORMITY OF EQUIPMENT.

That this Conference, recognizing the importance of assimilating as far as possible the military stores and equipment of the Imperial forces throughout the Empire, recommends that an expert Committee representative of the military authorities of the United Kingdom, the Dominions, and India be appointed as early as possible to consider the various patterns in use with a view to selecting standard patterns for general adoption as far as the special circumstances of each country admit.

## RESOLUTION III.: TRAINING OF ORDNANCE PERSONNEL.

This Conference is of opinion that it is desirable that the ordnance personnel of the military organizations of the Empire should, as far as possible, be trained on the same methods and according to the same principles, and that to secure this end selected officers of the ordnance service from all parts of the Empire should be attached for adequate periods to the Imperial Ordnance Department.

## RESOLUTION IV.: NAVAL DEFENCE.

That the Admiralty be requested to work out immediately after the conclusion of the War what they consider the most effective scheme of Naval Defence for the Empire for the consideration of the several Governments summoned to this Conference, with such recommendations as the Admiralty consider necessary in that respect for the Empire's future security.

*Secretariat Note.*—The correspondence arising out of the above Resolutions is printed with other correspondence as to Naval and Military Defence in Dominions No. 72.

## RESOLUTION V.: TRADE COMMISSIONER SERVICE.

That the Imperial War Conference welcomes the proposed increase of the Board of Trade service of Trade Commissioners and its extension throughout the British Empire in accordance with the recommendations of the Dominions Royal Commission, and recommends that the Governments concerned should co-operate so as to make that service as useful as possible to the Empire as a whole, especially for the promotion of Inter-Imperial Trade.

33938

No. 123.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNORS.

[Answered by Nos. 125, 126, 129, 130, and 131.]

(Canada.	} Dominions No. 472.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 24th July, 1917.

WITH reference to the discussion at the Imperial War Conference respecting the Trade Commissioner Service, which will be found on pages 16-20 of [Cd. 8566], I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a memorandum on the subject which has been prepared by the Board of Trade.

2. I should be glad to learn whether your Ministers propose to utilize the services of His Majesty's Trade Commissioners on the lines suggested in this memorandum, and, if so, in which of the areas these officers will be stationed, in order that the necessary instructions may be conveyed to the officers concerned.

I have, &c.,

WALTER H. LONG.

Enclosure in No. 123.

MEMORANDUM ON THE UTILIZATION OF HIS MAJESTY'S TRADE COMMISSIONER SERVICE  
BY THE SELF-GOVERNING DOMINIONS AND BY THE GOVERNMENT OF INDIA.

At the meeting of the Imperial War Conference on the 4th April, 1917, the Conference was informed that His Majesty's Government would be glad to discuss with the Governments of any of the Dominions who might desire to use His Majesty's Trade Commissioner Service the best means by which a system of further co-operation could be instituted, with a view to making the extended service of Trade Commissioners as useful as possible to the Empire as a whole. The following resolution was subsequently adopted:—

"That the Imperial War Conference welcomes the proposed increase of the Board of Trade Service of Trade Commissioners and its extension throughout the British Empire, in accordance with the recommendation of the Dominions Royal Commission, and recommends that the Governments concerned should co-operate so as to make that service as useful as possible to the Empire as a whole, especially for the promotion of inter-Imperial trade."

2. At present there are four Trade Commissioners, one for Canada and Newfoundland at Montreal; one for Australia at Melbourne, with a sub-office at Sydney; one for New Zealand at Wellington; and one for South Africa at Cape Town. A scheme has been prepared for the extension of the existing service, so as to provide for the appointment of some sixteen Trade Commissioners in the Self-governing Dominions and in other parts of the Empire. The general outline of the scheme has received the approval of the Imperial Government, but the allocation of the new service throughout the Empire has not yet been definitely decided upon, and it may be some little time before the new scheme is operative in its entirety.



3. As at present proposed, Trade Commissioners are to be stationed at the following centres in various parts of the British Empire:—

Country.	Headquarters of Trade Commissioner.
Canada ... ..	Montreal,* Toronto, Winnipeg, and Vancouver.
Australia ... ..	Melbourne and Sydney.
New Zealand ... ..	Wellington.
South Africa ... ..	Cape Town and Johannesburg.
India ... ..	Calcutta, and possibly Bombay.

(\* The Trade Commissioner at Montreal will also be responsible for Newfoundland.)

4. As regards the other parts of the Empire, there will probably be Trade Commissioners for the West Indies, Straits Settlements, and Ceylon, and probably in Egypt, and in some other area in Africa, in addition to an unattached official who will have his headquarters at the Board of Trade in London and will be available for special missions.

5. Primarily the Trade Commissioners are appointed to foster the trade of the United Kingdom in the respective spheres of their operation, and they have not hitherto been specifically charged with the duty of watching over the trade interests of other parts of the Empire, though they have been instructed to reply to inquiries from firms in other British dominions and possessions. His Majesty's Government, however, are now prepared, as stated at the Conference, to arrange, if desired in any case, that their Trade Commissioners should also be charged with assistance to the trade of any of the Self-governing Dominions or of India. Should any of the Governments of the Dominions or the Government of India wish to utilize the services of the Trade Commissioners in other parts of the British Empire, where any such Government may not for the time being be represented by Trade Commissioners under their own control, the Board of Trade will cause instructions under the following general heads to be given to the Commissioners concerned:—

- (1) To reply to commercial inquiries which may be addressed to them by traders or Government departments in the Dominion represented, or in India, and to suggest suitable local agents for manufacturers or producers of that Dominion or of India.
- (2) To notify the Dominion Government or the Government of India of changes in the Customs tariffs or other regulations affecting its trade.
- (3) To report any openings for trade, or contracts open to tender, which might interest producers or manufacturers in the Dominion represented or in India.
- (4) To maintain an exhibition of the produce and manufactures of the Dominion or of India (if this is desired).
- (5) To circulate and distribute in the districts where they are stationed official literature relating to the trade, agriculture, and manufacture of the Dominion represented or of India; and
- (6) Generally to watch over the trade interests of the Dominion, or of India, in the country in question.

6. The Governments concerned should inform His Majesty's Government if they wish to be represented by His Majesty's Trade Commissioners in any, and, if so, in which, of the areas in which these officers will be stationed; and they should supply the Trade Commissioners in such areas with such information (Blue books, agricultural reports, trade newspapers, lists of exporters, directories, etc.) as they consider will facilitate the work of the Commissioners in acting on their behalf. They should also state with what departments of their own Governments the Trade Commissioners should communicate. His Majesty's Government do not propose for the present that the Dominion and other Governments utilizing the Trade Commissioners should be asked to contribute to the cost of the service. If in the future it should be found that the additional work placed upon the Trade Commissioners develops to an extent which would involve a considerable increase in expenditure, the question of contribution could be reconsidered.

40361

No. 124.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 575.)
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[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 5th September, 1917.

WITH reference to my despatch Dominions No. 472, of the 24th of July,\* I have the honour to request [Your Excellency] [you] to inform your Ministers that the Board of Trade have decided to postpone, for the present, the appointment of a Trade Commissioner at Vancouver, suggested in the memorandum which accompanied my despatch, but that they intend appointing an officer at that centre in due course. A further despatch will be addressed to you when it is proposed to proceed with the appointment.

I have, &c.,  
WALTER H. LONG.

46062

No. 125.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 18th September, 1917.)

[Answered by No. 127.]

(No. 633.)

SIR,

Government House, Ottawa, 31st August, 1917.

WITH reference to your despatch No. 472, of the 24th July last,\* enclosing a memorandum on the Trade Commissioner Service, I have the honour to forward, herewith, a copy of an approved minute of the Privy Council for Canada, representing that the offer of service made by His Majesty's Government is accepted by my Government on the lines and upon the conditions set forth in the above-mentioned despatch.

My Ministers desire to express their acknowledgment of the goodwill and generosity shown by His Majesty's Government in placing these services at the disposal of the Dominion free of cost for the present, and intimate that if, in the future, such additional work is placed upon these Trade Commissioners as would involve increased expenditure, they would be prepared to meet the added expenses.

I have, &c.,  
DEVONSHIRE.

Enclosure in No. 125.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 25TH AUGUST, 1917.

THE Committee of the Privy Council have had before them a report, dated 22nd August, 1917, from the Secretary of State for External Affairs, to whom was referred a despatch from the Right Honourable the Secretary of State for the Colonies, dated the 24th July, 1917,\* enclosing a memorandum on the subject of the Trade Commissioner Service, and inquiring whether the Canadian Government proposed to utilize the services of His Majesty's Trade Commissioners on the lines suggested in this memorandum, in which the Secretary of State for External Affairs reports that the Minister of Trade and Commerce represents that the proposal of His Majesty's Government to place at the disposal of the overseas

\* No. 123.



Dominions the services of His Majesty's Trade Commissioners, on the lines laid down in the despatch, is an offer which it is in the interests of Canada to accept, and from which distinct advantages may be expected to accrue. For Canadian purposes use could be made advantageously of the services of His Majesty's Trade Commissioners in India, the Straits Settlements, Ceylon, and Egypt. In the other countries named in the despatch the Dominion of Canada has its own Trade Commissioners, and beyond establishing mutual goodwill and co-operation between them and His Majesty's Trade Commissioners in these centres, it would not be necessary to make demands upon the time of His Majesty's Trade Commissioners.

In the other centres named in which Canada has no trade representatives, and until such time as such representatives shall have been established, the co-operation offered would be exceedingly useful.

The Minister of Trade and Commerce is of opinion that the offer of services made by the Secretary of State for the Colonies should be accepted on the lines and upon the conditions set out in the despatch above mentioned.

The Committee, on the recommendation of the Secretary of State for External Affairs, advise that Your Excellency may be pleased to inform Mr. Secretary Long that communications will be carried on between these Trade Commissioners and the Department of Trade and Commerce of Canada.

The Committee further advise on the same recommendation that Your Excellency express the acknowledgment of the Canadian Government of the goodwill and generosity shown by His Majesty's Government in placing these services at the disposal of the Government of Canada free of cost for the present, and intimate that if, in the future, such additional work is placed upon these Trade Commissioners as would involve increased expenditure, the Canadian Government would be prepared to meet the added expenses.

All of which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

49114

No. 126

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 4th October, 1917.)

[Answered by No. 128.]

(No. 123.)

SIR, Government House, St. John's, 30th August, 1917.

WITH reference to your despatch Dominions No. 472, of the 24th July,\* on the subject of the Trade Commissioner Service, I have the honour to transmit copy of a letter, dated 28th instant, which I have received from the Honourable the Colonial Secretary on the subject.

I shall be glad if favourable consideration may be given to the request of Ministers in this connexion.

I have, &amp;c.,

W. E. DAVIDSON.

Enclosure in No. 126.

Department of Colonial Secretary,

SIR, St. John's, Newfoundland, 28th August, 1917.

REFERRING to Your Excellency's memorandum of date 21st instant, covering despatch No. 472 from the Secretary of State, on the subject of the Trade Commissioner Service, I have the honour to state that I have taken the matter up with the Prime Minister, who suggests that, before the matter is laid before Ministers, Your Excellency should be asked, in acknowledging the despatch to the Secretary of State, to point out to him that Ministers would be greatly disappointed if His Majesty's Government do not see their way to allot to Newfoundland one of the Trade Commissioners to be appointed.

\* No. 123.

In paragraph 3 of the memorandum from the Board of Trade it is proposed to send four Commissioners to Canada, and it is suggested that the Trade Commissioner at Montreal will also be responsible for Newfoundland. The Prime Minister is of the opinion that, while in no way reflecting on the work which hitherto has been performed by the Trade Commissioner to Canada, the time has now arrived when Newfoundland should have a Trade Commissioner of her own. The expansion of our trade and the fact of our exports and imports having practically doubled within the last fifteen years, suggest that there is a large field here for the exploitation of British goods. During the period mentioned there has been a very sensible falling off in the volume of British trade.

This matter was taken up by the Prime Minister at the Imperial Conference, 1917, and, by reference to the extracts from the minutes of the proceedings and the papers laid before the Conference,\* it will be found on page 20 that, in discussing this matter, the Prime Minister made the following statement:—

"In the past we have one Trade Commissioner representing the two countries, Canada and Newfoundland, and we have had an annual visit from him, but more than that is, I think, desirable now. If you are going to give three Trade Commissioners to Canada one might be allotted to Newfoundland and have a permanent residence there."

In reply to this statement Sir Albert Stanley, President of the Board of Trade, said:—

"I should certainly be the last to place any restriction upon, or attempt to limit the scope of trade to, any Dominion. We shall certainly give very careful consideration to your suggestion."

Sir Edward points out that it was after that statement of the case by him, and the promise by Sir Albert Stanley, that the motion was carried. He hopes that it will only be necessary to draw this matter to the attention of the Secretary of State in order to have a Commissioner appointed to Newfoundland.

I have, &amp;c.,

R. A. SQUIRES,  
Colonial Secretary.

His Excellency  
Sir Walter E. Davidson, K.C.M.G.,  
&c., &c., &c.,  
Governor.

50896

No. 127.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 551.)

MY LORD DUKE,

Downing Street, 2nd November, 1917.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 633, of the 31st August last,† and to request you to inform your Ministers that a copy of the despatch has been forwarded by the Board of Trade to those of His Majesty's Trade Commissioners already appointed in the Self-governing Dominions, calling attention to the desirability of establishing and maintaining good relations with Canadian Trade Commissioners who are, or may be, appointed within their spheres, and to co-operate with them on all occasions for the mutual benefit of inter-Imperial trade.

2. The new Trade Commissioners to be appointed in various parts of the British Empire will, in due course, be instructed in accordance with the views expressed by the Dominion Government.

I have, &amp;c.,

WALTER H. LONG.

\* See [Cd. 8566].

† No. 125.



54103

No. 128.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 166.)

SIR,

Downing Street, 14th November, 1917.

WITH reference to Sir Walter Davidson's despatch No. 123, of the 30th August last,\* as to the appointment of a separate Trade Commissioner for Newfoundland. I have the honour to request you to inform your Ministers that careful consideration was given to this question at the time of the preparation of the scheme for the extension of the Trade Commissioner service, but that it appeared to the Board of Trade that the trade of Newfoundland was hardly of sufficient magnitude to justify the creation of the suggested post. The Board of Trade are, however, confident that the new arrangements, whereby the Trade Commissioner stationed at Montreal will be assisted in his work by colleagues appointed at other centres in Canada, will enable him to devote a larger degree of attention than in the past to Newfoundland, and they will cause specific instructions to be given to him as to the importance of doing everything in his power to promote British trade with the Colony.

I have, &amp;c.,

WALTER H. LONG.

63827

No. 129.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st December, 1917.)

[Answered by No. 133.]

(No. 384.)

SIR,

Commonwealth of Australia, Governor-General's Office,  
Melbourne, 29th October, 1917.

REFERRING to your despatch Dominions No. 472, dated 24th July last,† respecting the Trade Commissioner Service, I have the honour to inform you that I am desired by my Prime Minister to tender you the thanks of the Commonwealth Government for the offer of assistance contained therein, and to state that His Majesty's Government will be communicated with later if it is considered desirable to take advantage of the offer with regard to any particular country.

I may add that the question of Australian trade representation is at the present time under the consideration of the Commonwealth Government.‡

I have, &amp;c.,

R. M. FERGUSON,  
Governor-General.

63879

No. 130.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st December, 1917.)

[Answered by No. 135.]

(No. 952.)

SIR,

Governor-General's Office, Pretoria, 12th November, 1917.

I HAVE the honour to transmit to you herewith, with reference to your despatch No. 472, of the 24th July,† a copy of a minute, No. 1742, from Ministers, dated 10th November, on the subject of the Trade Commissioner service.

I have, &amp;c.,

BUXTON,  
Governor-General.

\* No. 126.

† No. 123.

‡ See page 247 of this volume.

Enclosure in No. 130.

(1742.)

Prime Minister's Office, Pretoria, 10th November, 1917.

WITH reference to Governor-General's minute No. 62/914, of the 30th August, enclosing despatch and memorandum Dominions No. 472 from the Secretary of State for the Colonies, Ministers have the honour to state that the offer of the assistance of the Trade Commissioners appointed by His Majesty's Government is much appreciated, and will, in their opinion, be of great value in developing the commercial interests of the Union of South Africa. It is not possible, however, at the present moment to specify the areas in which the services of the Trade Commissioners will be invoked. Ministers will be glad if Trade Commissioners may be asked to render any assistance possible when addressed direct by the Union Government.

Arrangements will be made for supplying the necessary information to any Trade Commissioner who may be communicated with. All communications will be carried on by the Industries Section of the Department of Mines and Industries.

F. S. MALAN.

297

No. 131.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd January, 1918.)

[Answered by No. 134.]

(No. 267.)

SIR,

Government House, Wellington,

New Zealand, 17th October, 1917.

I HAVE the honour to inform you that I duly referred to my Ministers, for their consideration, your despatch Dominions No. 472, of the 24th July,\* relative to the resolution of the Imperial War Conference regarding the Trade Commissioner service.

2. Ministers desire me to advise you, in reply, that in the event of His Majesty's Trade Commissioners being located as indicated in your despatch, the Government of New Zealand will probably be very pleased to take advantage of the services of those officers in Canada and South Africa, and possibly at a later date of those in Egypt and the Straits Settlements. On learning that the officers have taken up their duties steps will be taken by my Ministers to furnish them with all necessary information.

3. The Department with which the officers should communicate is the Department of Agriculture, Industries, and Commerce, Wellington, New Zealand.

I have, etc.,

LIVERPOOL,

Governor-General.

5144

No. 132.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 80.)

MY LORD DUKE,

Downing Street, 12th February, 1918.

WITH reference to my despatch No. 551, of the 2nd of November, 1917,† I have the honour to transmit to Your Excellency, for the information of your Ministers, a statement showing the various grades of Trade Commissioners under the extended scheme and the places in the British Empire at which it is proposed that they should be stationed.

\* No. 123.

† No. 127.



2. It has been decided to extend the sphere of operations of the Trade Commissioners who are to be stationed at Singapore and Trinidad by the inclusion of certain adjacent foreign territories, viz., the Dutch East Indies in the case of Singapore, and the French and Dutch Guianas and certain foreign West Indian islands, such as Guadeloupe and Martinique, in the case of Trinidad.

3. It will be remembered that in the memorandum enclosed in my despatch Dominions No. 472, of the 24th July,\* it was stated that there would probably be a Trade Commissioner in Egypt. It is now, however, proposed that Egypt, owing to its special status and to the fact that it is at present under the administration of the Foreign Office, shall have a Commercial Attaché and not a Trade Commissioner.

4. It is also proposed that the Trade Commissioner at Calcutta shall include Ceylon within his sphere of operations, and there will, therefore, not be a separate Trade Commissioner in Ceylon as was originally intended.

I have, &c.,

WALTER H. LONG.

Enclosure in No. 132.

STATEMENT RELATING TO THE EXTENSION OF THE TRADE COMMISSIONER SERVICE.

	Grade.	Locality.
Canada ... ..	1st grade ... ..	Montreal.
" ... ..	2nd " ... ..	Toronto.
" ... ..	3rd " ... ..	Winnipeg.
" ... ..	3rd " ... ..	Vancouver.
Australia ... ..	1st " ... ..	Melbourne.
" ... ..	3rd " ... ..	Sydney.
South Africa ... ..	1st " ... ..	Capetown or Johannesburg.
" ... ..	3rd " ... ..	"
New Zealand ... ..	2nd " ... ..	Wellington.
India ... ..	1st " ... ..	Calcutta.
" ... ..	2nd " ... ..	Bombay.
Other parts of ... ..	2nd " ... ..	Singapore
the British ... ..	2nd " ... ..	Trinidad.
Empire ... ..	3rd " ... ..	East Africa.

In addition there will be one unattached Trade Commissioner, who will be available for special duties.

5144

No. 133.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 54.)

SIR,

Downing Street, 12th February, 1918.

WITH reference to Your Excellency's despatch No. 384, of the 29th of October, 1917,† I have the honour to transmit to you, for the information of your Ministers, a statement‡ showing the various grades of Trade Commissioners under the extended scheme, and the places in the British Empire at which it is proposed that they should be stationed.

2. It has been decided to extend the sphere of operations of the Trade Commissioners who are to be stationed at Singapore and Trinidad by the inclusion of certain adjacent foreign territories, viz., the Dutch East Indies in the case of Singapore, and the French and Dutch Guianas and certain foreign West Indian islands, such as Guadeloupe and Martinique, in the case of Trinidad.

3. It will be remembered that in the memorandum enclosed in my despatch Dominions No. 472, of the 24th July,\* it was stated that there would probably be a Trade Commissioner in Egypt. It is now, however, proposed that Egypt, owing

\* No. 123.

† No. 129.

‡ Enclosure in No. 132.

to its special status and to the fact that it is at present under the administration of the Foreign Office, shall have a Commercial Attaché and not a Trade Commissioner.

4. It is also proposed that the Trade Commissioner at Calcutta shall include Ceylon within his sphere of operations, and there will, therefore, not be a separate Trade Commissioner in Ceylon as was originally intended.

I have, &c.,

WALTER H. LONG.

5144

No. 134.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 39.)

MY LORD,

Downing Street, 12th February, 1918.

WITH reference to Your Excellency's despatch No. 267, of the 17th of October, 1917,\* I have the honour to transmit to you, for the information of your Ministers, a statement† showing the various grades of Trade Commissioners under the extended scheme, and the places in the British Empire at which it is proposed that they should be stationed.

2. It has been decided to extend the sphere of operations of the Trade Commissioners who are to be stationed at Singapore and Trinidad by the inclusion of certain adjacent foreign territories, viz., the Dutch East Indies in the case of Singapore, and the French and Dutch Guianas and certain foreign West Indian islands, such as Guadeloupe and Martinique, in the case of Trinidad.

3. It will be remembered that in the memorandum enclosed in my despatch Dominions No. 472, of the 24th July,‡ it was stated that there would probably be a Trade Commissioner in Egypt. It is now, however, proposed that Egypt, owing to its special status and to the fact that it is at present under the administration of the Foreign Office, shall have a Commercial Attaché and not a Trade Commissioner.

4. It is also proposed that the Trade Commissioner at Calcutta shall include Ceylon within his sphere of operations, and there will, therefore, not be a separate Trade Commissioner in Ceylon as was originally intended.

5. Instructions have been sent to the Trade Commissioners in Canada and the Union of South Africa to render every assistance possible in connexion with any inquiries that may be made by the New Zealand Government, and they have been requested to address their communications to the Department of Agriculture, Industries, and Commerce, Wellington, New Zealand.

I have, &c.,

WALTER H. LONG.

5144

No. 135.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 54.)

MY LORD,

Downing Street, 12th February, 1918.

WITH reference to Your Excellency's despatch No. 952, of the 12th November, 1917,§ I have the honour to transmit to you, for the information of your Ministers, a statement† showing the various grades of Trade Commissioners under the extended scheme, and the places in the British Empire at which it is proposed that they should be stationed.

2. It will be observed that one First Grade Trade Commissioner and one Third Grade Trade Commissioner will be stationed in the Union of South Africa when the arrangements for an extended service have been completed. It has not, however, been settled as yet whether the senior Trade Commissioner shall be stationed at Cape Town or Johannesburg.

\* No. 131.

† Enclosure in No. 132.

‡ No. 123.

§ No. 130.



3. It has been decided to extend the sphere of operations of the Trade Commissioners who are to be stationed at Singapore and Trinidad by the inclusion of certain adjacent foreign territories, viz., the Dutch East Indies in the case of Singapore, and the French and Dutch Guianas and certain foreign West Indian islands, such as Guadeloupe and Martinique, in the case of Trinidad.

4. It will be remembered that, in the memorandum enclosed in my despatch Dominions No. 472, of the 24th July,\* it was stated that there would probably be a Trade Commissioner in Egypt. It is now, however, proposed that Egypt, owing to its special status and to the fact that it is at present under the administration of the Foreign Office, shall have a Commercial Attaché and not a Trade Commissioner.

5. It is also proposed that the Trade Commissioner at Calcutta shall include Ceylon within his sphere of operations, and there will, therefore, not be a separate Trade Commissioner in Ceylon as was originally intended.

6. The Trade Commissioners concerned have been requested to render every assistance possible in connexion with any inquiries that may be made of them by the Union Government, and to address their replies to such inquiries to the Industries Section of the Union Department of Mines and Industries, Pretoria.

I have, &c.,

WALTER H. LONG.

5144

No. 136.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 17.)

SIR,

Downing Street, 12th February, 1918.

WITH reference to my despatch of the 14th November, No. 166,† I have the honour to transmit to you, for the information of your Ministers, a statement‡ showing the various grades of Trade Commissioners under the extended scheme, and the places in the British Empire at which it is proposed that they should be stationed.

2. It has been decided to extend the sphere of operations of the Trade Commissioners who are to be stationed at Singapore and Trinidad by the inclusion of certain adjacent foreign territories, viz., the Dutch East Indies in the case of Singapore, and the French and Dutch Guianas and certain foreign West Indian islands, such as Guadeloupe and Martinique, in the case of Trinidad.

3. It will be remembered that in the memorandum enclosed in my despatch Dominions No. 472, of the 24th July,\* it was stated that there would probably be a Trade Commissioner in Egypt. It is now, however, proposed that Egypt, owing to its special status and to the fact that it is at present under the administration of the Foreign Office, shall have a Commercial Attaché and not a Trade Commissioner.

4. It is also proposed that the Trade Commissioner at Calcutta shall include Ceylon within his sphere of operations, and there will, therefore, not be a separate Trade Commissioner in Ceylon as was originally intended.

I have, &c.,

WALTER H. LONG.

\* No. 123.

† No. 128.

‡ Enclosure in No. 132.

8079

No. 137.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 137.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

Downing Street,

6th March, 1918.

[MY LORD DUKE,] [SIR,] [MY LORD,]  
WITH reference to my despatch No. [80,] [54,] [39,] [54,] [17,] of the 12th February,\* relative to the extension of the Imperial Trade Commissioner scheme to the Self-governing Dominions, I have the honour to request [Your Excellency] [you] to inform your Ministers that the limitations imposed upon expenditure on the new Commercial Attaché service preclude for the present provision for the appointment of a Commercial Attaché in Egypt.

I have, &c.,

WALTER H. LONG.

21888

No. 138.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(Sent 2.50 p.m., 6th May, 1918.)

TELEGRAM.

[Answered by No. 139.]

6TH MAY. My despatch 12th February, No. 17,† Trade Commissioner service. Should be glad to learn wishes of your Ministers regarding question raised in second paragraph my despatch 24th July, Dominions No. 472.‡ Early reply requested.—LONG.

25269

No. 139.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 1.5 a.m., 24th May, 1918.)

TELEGRAM.

[Answered by No. 140.]

YOUR telegram of 6th May,§ Trade Commissioners. My Ministers prepared to utilize Montreal Commissioner, reserving right to reconsider whole matter at end of War.—HARRIS.

\* Nos. 132, 133, 134, 135, and 136 respectively.

† No. 136.

‡ No. 123.

§ No. 138.



35452

No. 140.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

(No. 81.)

SIR,

Downing Street, 31st July, 1918.

WITH reference to your telegram of the 23rd May,\* regarding the utilization by Newfoundland of the services of the Imperial Trade Commissioner at Montreal, I have the honour to request you to inform your Ministers that it is not quite clear therefrom whether your Government intend simply to accept the proposal that the Trade Commissioner in Montreal should also act as Trade Commissioner for Newfoundland, or whether the telegram should be read as an expression of your Ministers' views on the question whether they can usefully avail themselves of the services of the Trade Commissioners in other parts of the Empire, such as the West Indies, in accordance with the terms of the memorandum a copy of which was enclosed in my despatch Dominions No. 472, of the 24th July, 1917.†

2. I should be glad to know whether I may expect a further communication as to your Ministers' views on the latter point.

I have, &amp;c.,

WALTER H. LONG.

\* No. 139.

† No. 123.

## RESOLUTION VI.: PATENTS AND TRADE-MARKS.

The Imperial War Conference commends the proposals of the Board of Trade in the Memorandum on Patents and Trade-Marks to the careful consideration of the several constituent Governments of the Empire.

## (I.) Correspondence regarding the Conference Resolution.

21229

No. 141.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

[Answered by Nos. 142, 143, and 146.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

No. 335.)

(Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,]

Downing Street, 29th May, 1917.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the consideration of your Ministers, copies of the proceedings\* of the Imperial War Conference relative to the question of patents and trade-marks. Copies of the memorandum† prepared by the Board of Trade which was laid before the Conference are also enclosed.

2. I should explain that certain of the delegates at the Technical Conference at Paris were insistent that the resolutions arrived at should be kept strictly secret, and that the Belgian delegates in particular pressed that every step should be taken to prevent them from coming to the knowledge of the German Government. This applies to all the resolutions, but especially to the first. In these circumstances your Ministers will doubtless give instructions for treating as strictly secret the resolutions in question, which are printed as Appendix II. to the memorandum prepared by the Board of Trade.

I have, &amp;c.,

WALTER H. LONG.

50433

No. 142.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th October, 1917.)

[Answered by No. 145.]

(Confidential.)

SIR,

Governor-General's Office, Pretoria, 10th September, 1917.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions 335, Confidential, of the 29th May,† a copy of a minute, No. 1410, Confidential, from Ministers (with enclosure), dated 1st September, on the subject of the proposed amendments to the Patents and Trade-Marks laws consequent on the War.

I have, &amp;c.,

BUXTON,

Governor-General.

\* Pages 115-123 of Dominions No. 62.

† Page 296 of Dominions No. 62.

‡ No. 141.



Enclosure in No. 142.

(Minute 1410.)  
(Confidential.)

Prime Minister's Office, Pretoria, 1st September, 1917.

MINISTERS have the honour to acknowledge the receipt of His Excellency's minute Confidential, No. 82/902, dated the 14th July, 1917, enclosing a despatch from the Secretary of State for the Colonies, Dominions No. 335, Confidential, dated the 29th May, 1917, together with a printed memorandum of certain proceedings of the Imperial War Conference and a memorandum by the Board of Trade laid before that Conference.

2. Ministers are of opinion that there must necessarily be almost insuperable practical difficulties in establishing an international patent office, but that the question whether the Patent and Trade-Mark laws of the United Kingdom, of the British dominions, and of certain foreign States are capable of greater assimilation must be determined by considerations connected with the primary objects of such laws.

3. Hitherto it would appear to Ministers that one of those primary objects has been to afford protection to the industrial interests of the country of enactment, and that in attempts at reciprocity and assimilation the particular interests of the reciprocatory or assimilating countries have had to receive the first consideration; further, that geographical proximity to each other of two countries, while in some circumstances a reason for assimilating the provisions of their Patent and Trade-Mark laws, is in other circumstances a ground for a different policy.

4. Ministers are of opinion that, until there is some indication throughout the world that the grant of special rights and privileges under such laws is to be based on the common interests of mankind rather than on national utility or considerations arising out of international industrial competition, little advantage will result from uniformity in these laws.

If, and when, however, such an indication exists, it would appear that uniformity is most desirable in matters specially mentioned in a short memorandum attached hereto which Ministers have caused to be prepared. The instructions suggested at the end of paragraph 2 of the Secretary of State's despatch have been given and adhered to.

5. Ministers would, in conclusion, point out that the consolidating Patents Law of the Union (Act No. 9 of 1916) anticipates five of the fourteen proposals of the Board of Trade set out in Appendix I. to their printed memorandum, viz., suggestions numbered 1, 3, 5, 11, and 14, and that, generally speaking, the whole of the Union Patent law, Designs law, and Trade-Mark law follows in its main principles, and in its more important administrative details, the provisions of the legislation of the United Kingdom, the Dominion of Canada, and the Commonwealth of Australia.

N. J. DE WET.

## MEMORANDUM.

## ASSIMILATION OF PATENT AND TRADE-MARK LAW.

WITH regard to patents it would seem that, so far as uniformity in the laws of different countries is practicable, uniformity should be aimed at in respect of the following matters:—

- (1) The definition of "invention."
- (2) The duration of a patent.
- (3) The revocation of a patent.
- (4) Compulsory licences and working.
- (5) Registration of assignments.
- (6) Prescribed forms.

In regard to (1), it is suggested that the definition should be so framed as to exclude from the benefits incidental to the protection of an invention a person who introduces or imports a foreign invention into a country. The present-day facilities for cable and telegraphic communications render the protection of the imported unnecessary. It should be possible not only to protect a *bona fide* local inventor but at the same time to render foreign publication or user of the subject matter of the application for a patent not a fatal objection to the grant of the application.

(2) The question of the number of years to be fixed for the duration of a patent would appear to be one to be determined by the majority of the countries who are parties to the International Convention. An extension of the existing period of fifteen years would appear to be a reasonable extension.

(3) Uniformity in respect of revocation would follow from uniformity in the definition of invention, as the grounds of revocation would be mainly those on which the grant of the patent might have been opposed. While an order of revocation would be granted by the judicial or quasi judicial authority which authorized the grant of a patent after opposition, it should be possible for application to be made for revocation either by an officer of the Government which granted the patent or by an interested party. Any uniformity in this matter should be in the direction of simplification of procedure.

(4) Though liability to revocation should be possible where a patentee has abused his patent rights, the liability should, it is suggested, be confined to very exceptional circumstances, e.g., where the use of the patented article is a matter of considerable public importance, or where the patent has imposed unfair conditions of sale or use. It is conceivable that in non-industrialized countries either revocation or compulsory working of a patent might be a great injustice to the patentee.

(5) It would seem that in uniform legislation assignments should only be officially recognized if registered in the Patent Office from which the grant was made.

(6) The assimilation of the forms for use in the various Patent Offices is so clearly to the convenience of patentees, opponents, and those acting for them, that no argument in favour of it is necessary.

With regard to trade-marks, it is suggested that, in determining the claim to the rights incidental to the use of a mark, prior user should be the determining factor rather than prior registration, but where there is no opposition the registrar should be guided primarily by his registers, and registration should be otherwise encouraged by imposing certain disadvantages on non-registration.

It is suggested also that registration in one country should not be a condition precedent to registration in another country.

There should obviously be uniformity in the principles on which trade-marks are capable of registration, and these principles should be so wide that every mark that can be reasonably regarded as a distinctive mark should be capable of registration. If then a special exception were made in favour of "old marks," it would be comparatively easy to obtain the registration of common law marks, and so the necessity for a special register of common law marks would be obviated.

The same desirability for uniformity in respect of (1) registration of assignments and (2) prescribed forms exists in the case of trade-marks as in the case of patents.

59783

No. 143.

NEW ZEALAND.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 5th December, 1917.)

[Answered by No. 145.]

(Confidential.)

Government House, Wellington,

Sir,

New Zealand, 24th September, 1917.

I HAVE the honour to inform you that your despatch (duplicate) Confidential, Dominions No. 335, dated 29th May,\* forwarding copies of that portion of the Proceedings of the Imperial War Conference which deals with the question of patents and trade-marks, has been laid before my Ministers, who have informed me, in reply, that the matter will receive the careful consideration of the Government of this Dominion, and that instructions have been given, as requested, that the resolutions are to be regarded as strictly secret.

I have, &amp;c.,

LIVERPOOL,

Governor-General.

\* No. 141.



59783

No. 144.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(Newfoundland. } Confidential)

[MY LORD DUKE,] [SIR,]

Downing Street, 6th March, 1918.

WITH reference to my despatch Dominions Confidential No. 335, of the 29th May, 1917,\* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, printed copies of despatches† from the Governor-General of New Zealand, and the Governor-General of the Union of South Africa, relative to the proposed amendments of the law in regard to patents and trade-marks.

I have, &c.,  
WALTER H. LONG.

59783

No. 145.

NEW ZEALAND: UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL.

(Confidential).

MY LORD,

Downing Street, 6th March, 1918.

WITH reference to Your Excellency's despatch Confidential, of the [24th September,†] [10th September,§] 1917, I have the honour to transmit to you, for the information of your Ministers, the accompanying printed copy of a despatch from the Governor-General of [the Union of South Africa,§] [New Zealand,†] on the subject of the proposed amendments of the law in regard to patents and trade-marks.

I have, &c.,  
WALTER H. LONG.

24078

No. 146.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 16th May, 1918.)

(Confidential).

SIR,

Government House, Ottawa, 25th April, 1918.

WITH reference to your Confidential despatch Dominions No. 335, of the 29th May, 1917,\* enclosing papers regarding the question of patents and trade-marks, I have the honour to state that the proposals contained in the memorandum of the Board of Trade have been carefully considered in the Department of Agriculture, and the views and suggestions of the Department in regard to such proposals are being embodied in a printed memorandum to be used as a basis of discussion at the approaching conference. As requested in your despatch, every care will be taken to preserve the secrecy of the resolutions arrived at.

I have, &c.,  
DEVONSHIRE.

\* No. 141. † Nos. 143 and 142. ‡ No. 143. § No. 142.

(2) Legislation in the Self-Governing Dominions as regards Patents and Trade Marks.

(a) Union of South Africa.

*Secretariat Note.*—In 1916 a consolidating Act was passed in the Union as to Patents, Designs, Trade-Marks, and Copyright (Act No. 9 of 1916, not printed).

On 8th June, 1917, a Proclamation was issued (No. 115 of 1917, published in Union Gazette of 22nd June), under section 191 of this Act, stating that the Dominion of Canada and the United States of America afforded privileges as regards patents similar to those described in subsections (2) and (3) of section 41 of the Union Act, to persons residing in the Union, and that the United States of America afforded privileges as regards trade-marks similar to those described in subsections (4) and (5) of section 80 of the Act to persons residing in the Union.

The following correspondence relates to extension of the provisions of section 91 of the Imperial Patents Act, 1907, to the Union of South Africa, and the issue of a Proclamation in the Union under section 191 of the 1916 Act as regards the United Kingdom.

16159

No. 147.

BOARD OF TRADE TO COLONIAL OFFICE.

(Received 3rd April, 1918.)

Board of Trade (Commercial Department),  
Gwydyr House, Whitehall,

London, S.W.1, 30th March, 1918.

SIR,

I AM directed by the Board of Trade to transmit to you herewith a copy of a memorandum, submitted by the Chartered Institute of Patent Agents, suggesting that steps should be taken to render applicable to the United Kingdom the privileges afforded by section 41, (2) and (3), of the South African Patents, Designs, Trade-Marks, and Copyright Act of 1916.

The Board are of the opinion that the most satisfactory course would be for the Government of the Union to accede to the International Convention for the Protection of Industrial Property as revised at Washington on the 2nd June, 1911. If, however, the Union Government do not desire to accede to that Convention, the Board will be prepared to recommend the issue of an Order in Council in accordance with the enclosed draft (provided its terms are approved of by Mr. Long) extending the provisions of section 91 of the Patents and Designs Act, 1907, to the Union of South Africa so far as relates to patents and designs, if the Governor-General will issue a proclamation under section 191 of the South African Act as regards the United Kingdom.

Having regard to the fact that the basis of an Order in Council under section 91 (5) of the United Kingdom Patents and Designs Act is the existence in the British possession of satisfactory provision for the protection of inventions, designs, and trade-marks patented or registered in the United Kingdom, it is desirable that the Governor-General's proclamation should be issued before, or about the date of, or simultaneously with, the proposed Order in Council. If, however, the Governor-General cannot see his way to make such a proclamation before the corresponding Order in Council has been issued in this country, he would doubtless be willing to engage that he would make the proclamation on the issue of the Order in Council. Since the South African Act does not appear to contain a section dealing with trade-marks analogous to sections 41, (2) and (3), and 80 (4) and (5) dealing with patents and designs, the draft Order in Council has been confined to patents and designs.

As regards the suggestion in the memorandum of the Chartered Institute of Patent Agents that the Order in Council should be made retrospective, I am to point out that the order when made will, so far as patents are concerned, apply to all applications made within the preceding twelve months, and, so far as designs are concerned, to all applications made within the preceding four months, and the Board do not consider that it would be possible further to extend the operation of the order retrospectively.

As the matter is somewhat urgent, the Board would be glad if Mr. Long could see his way to communicate thereon with the Governor-General by telegraph.

I am, &c.,  
H. FOUNTAIN.



Enclosure 1 in No. 147.

## UNION OF SOUTH AFRICA.

## PATENTS, DESIGNS, TRADE-MARKS, AND COPYRIGHT ACT, 1916 (ACT NO. 9 OF 1916).

*Intercolonial Arrangements.*

SECTION 41 (subsection 2) of the above Act is as follows:—

"The grant of a patent or similar exclusive privilege for an invention to the inventor or his assignee or legal representative in a country outside the Union, whether a British possession or not, shall not be a bar to the grant of a patent for the same invention or any part thereof in the Union to the same person: Provided that the application for the grant of a Union patent shall be made within twelve months of the date of the lodging of the application for such foreign patent or similar privilege."

Subsection 3 states that:—

"The publication in print in the Union or any other country, or the use in the Union during the period referred to in the preceding subsection, of the invention, shall not invalidate the patent which may be granted for the invention in the Union."

These clauses of section 41 are rendered nugatory at present so far as subjects of Great Britain are concerned by reason of section 191 of the said Act, which reads as follows:—

"Section 191:—

"The provisions of subsections (2) and (3) of section 41 and subsections (4) and (5) of section 80 shall not apply to any country outside the Union unless and until the Governor-General has, by proclamation in the *Gazette*, declared that such country affords privileges similar to those described in the said subsections respectively to persons residing in the Union."

Section 80 referred to above contains similar provisions as regards registration of designs as section 41 has as regards patents.

Up to the present the only proclamation in the *Gazette* which has been made under section 191 is contained in the *Government Gazette* of 22nd June, 1917, which states:—

"And whereas it has been ascertained that similar privileges as those described in the said subsections (2) and (3) of section 41 are provided for in section 8 of the Patent Act (Revised Statutes of Canada, 1906) of the Dominion of Canada and similar provisions . . . are provided for in section 4887 of the revised Statutes, 1878, of the United States of America:

"Now, therefore, under and by virtue of the powers and authority in me vested by section 191 . . . I do hereby declare, proclaim, and make known that:—

"1. The Dominion of Canada affords privileges similar to those described in subsections (2) and (3) of section 41, etc., etc.

"2. The United States of America affords privileges similar to those described in subsections (2) and (3) of section 41, etc., etc.

"God save the King.

"Given under my hand and Great Seal, etc., this 8th June, 1917.

"BUXTON,

"Governor-General.

"By command of His Excellency the Governor-General in Council.

"N. J. DE WET."

From the above it will be seen that the subjects of the Dominion of Canada and of the United States of America possess greater rights and privileges under the Union Act of South Africa No. 9 of 1916 than the subjects of Great Britain.

There seems to be a general impression that because Great Britain grants a reciprocity of twelve months to subjects of States who are parties to the International Convention it also grants twelve months to the Union of South Africa, but this is not the case. The Union of South Africa is not a party to the International Convention, nor is there any machinery provided by the Act 9 of 1916 enabling it to become a party to the said Convention.

Under these circumstances it is held by the authorities in the Union of South Africa, and for the above reasons, that, Great Britain does not give the subjects of the Union the twelve months reciprocity referred to under section 191 of the Union Act.

It is, therefore, argued that the Governor-General of the Union of South Africa cannot render section 41 (2) of the Union Act 9 of 1916 applicable as between Great Britain and the Union, nor that he is likely to do so until such time as Great Britain has passed an Order in Council giving to subjects of the Union of South Africa twelve months reciprocity as far as Great Britain is concerned.

The patent agents practising in South Africa further state that it is for the patent agents in Great Britain to move here to get the necessary Order in Council made. They do not anticipate any move being made in the Union until Great Britain first moves and passes an Order in Council. Further, if matters are allowed to remain as they are, without the initiative being taken in Great Britain, there seems to be no likelihood of section 41 (2) ever being made applicable as between Great Britain and the Union of South Africa.

There is no doubt that great hardship and loss has been entailed on British patentees owing to the fact that they cannot take advantage of section 41 (2) of the Union Act, and specific cases can be cited if necessary. This has been enhanced by the fact that under section 23 of the Transvaal Proclamation, 1902, a foreign patentee was entitled to obtain valid protection by patent provided he lodged his application in the Transvaal within twelve months of his foreign application.

Such inventors or patentees, on the 31st December, 1916, held certain rights under the Transvaal Proclamation, 1902. The Union Act 9 of 1916 came into force on the 1st January, 1917, and it then became impossible to apply for a patent under the Transvaal Act of 1902. It was, however, considered that section 7 of the Union Act 9 of 1916 safeguarded the rights conferred on inventors under section 23 of the Transvaal Act of 1902.

Section 7 of the Union Act reads as follows:—

"The provisions of this chapter shall not affect any proceedings under any Provincial Patent Act, nor, save as is otherwise expressly provided in this chapter, any right or liability acquired or incurred before the commencement of this chapter; and any pending proceedings may, subject to the provisions relating to the transfer of patent administration to the Patent Office, be continued and completed as if this chapter had not been enacted."

If, therefore, inventors whose inventions have been published prior to the filing of the Union application were entitled as at the 31st December, 1916, to the benefit of section 23 of the Transvaal Proclamation, they certainly ought to be entitled to protection under the Union Act of 1916, at least so far as the Transvaal Province is concerned, whatever may be the position in regard to the Provinces of Cape Colony, Natal, and Orange River Colony.

After Great Britain had adhered to the International Convention in 1884 similar Orders in Council were made under section 104 of the Patent Act of 1883 (46 and 47 Victoria, chapter 57) with the Colonies of Queensland, New Zealand, and Tasmania (subsequently revoked) whereby an applicant in Great Britain had the right of priority for a given period in the Colonies and *vice versa*.

As regards Queensland, reference is made to the Order in Council of 17th September, 1885, as regards New Zealand, to the Order in Council of 8th February, 1890, and as regards Tasmania, to the Order in Council of 30th September, 1894.

Although this section 104 has not been repeated in the Act of 1907, 7 Edward VII., chapter 29, it is believed that similar powers are given under section 91, subsection (5).

Under these circumstances it is submitted that steps should at once be taken to pass an Order in Council to enable subjects of the Union of South Africa to obtain valid patents in Great Britain provided they apply within twelve months of their South African application (whether Provincial or Union), so as to secure to British inventors and patentees similar rights under section 41 (2) of the Union Act.

In view of the difficulties arising from the War and the enforced absence of inventors and parties interested in securing protection under the Union Act, it is respectfully submitted that if any such order be issued it should be made retrospective, so as to cover the whole period of the coming into force of the Union Act and the cessation of the War.



In the Union Gazette of 9th July, 1917, power is given to the Registrar of Patents, Designs, Trade-Marks, and Copyright, during the continuance of the present War, and upon such terms, and subject to such conditions as he may think fit, to extend the time prescribed by Act No. 9 of 1916, or any regulations made thereunder, for doing any act or lodging any document, when it is shown to his satisfaction that the applicant, opponent, patentee, or proprietor, as the case may be, was prevented from doing the said act or lodging the said document by reason of his being on active service or his enforced absence from the Union, or any other circumstance arising out of the present state of war, which, in the Registrar's opinion, would justify an extension of time.

Similar provisions are vested in the Comptroller of Patents in Great Britain under the Act of 7th August, 1914, 4 and 5 George V., and therefore there should be no difficulty in making such an Order in Council retrospective, provided there is reciprocity on both sides.

Enclosure 2 in No. 147.

(Draft.)

WHEREAS by section 91 of the Patents and Designs Act, 1907, it is, in regard to international and colonial arrangements relating to the registration of patents and designs, provided, *inter alia*, as follows:—

(5) Where it is made to appear to His Majesty that the Legislature of any British possession has made satisfactory provision for the protection of inventions, designs, and trade-marks patented or registered in this country, it shall be lawful for His Majesty, by Order in Council, to apply the provisions of this section to that possession, with such variations or additions, if any, as may be stated in the Order;

And whereas it is made to appear to His Majesty that the Legislature of the Union of South Africa has made satisfactory provision for the protection of inventions and designs patented or registered in the United Kingdom:

Now, therefore, His Majesty, by and with the advice of his Privy Council, by virtue and in pursuance of the provision of the above-recited subsection and of every other power thereunto him enabling, doth order, and it is hereby ordered, that the provisions of section 91 of the Patents and Designs Act, 1907, so far as relates to patents and designs, shall apply to the Union of South Africa.

16159

No. 148.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.20 p.m., 6th April, 1918.)

[Answered by No. 150.]

TELEGRAM.

YOUR despatch 18th July, 1917, No. 588.\* Representations have been made to His Majesty's Government by Chartered Institute of Patent Agents that steps should be taken to render applicable to United Kingdom privileges afforded by section 41 (2) and (3) of the Union Act, No. 9 of 1916. Board of Trade propose that if proclamation can be issued under section 191 of Union Act as regards United Kingdom, Order in Council should be issued here providing that provisions of section 91 of Patents and Designs Act, 1907, so far as it relates to patents and designs, shall apply to the Union of South Africa. Suggested Order in Council would be confined to patents and designs, since Union Act does not appear to contain section dealing with trade-marks analogous to sections 41 (2) and (3) and 80 (4) and (5) dealing with patents and designs. Having regard to fact that basis of Order in Council under section 91 (5) of Imperial Act of 1907 is existence in British possession of satisfactory provision for protection of inventions, etc., patented or registered in United Kingdom, it is desirable that Governor-General's proclamation should be issued before, or about the date of, or simultaneously with, proposed Order in Council. If proclamation cannot be made before corresponding Order in Council has been issued in this country it would no doubt be possible to arrange to make proclamation on issue of Order in Council here. Should be glad to learn whether your Ministers agree to this proposal.—LONG.

\* 42668: not printed: this contained the Proclamation as to Canada and the United States referred to on page 99.

16159

No. 149.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 156.]

(No. 150.)

MY LORD,

Downing Street, 11th April, 1918.

WITH reference to my telegram of the 6th instant,\* I have the honour to transmit to Your Excellency, to be laid before your Ministers, a copy of a letter† from the Board of Trade regarding the application to the United Kingdom of the privileges afforded by section 41 (2) and (3) of the South African Patents, Designs, Trade-Marks, and Copyright Act, 1916.

2. As regards the suggestion made in this letter that the Union of South Africa should accede to the International Convention for the Protection of Industrial Property of the 2nd June, 1911, I should explain that the question of inviting your Government to agree to the notification of the adhesion of the Union of South Africa to the Copyright Convention of 1908 had already been considered, and the conclusion arrived at that it was not desirable that such an invitation should be made during the War, having regard to the fact that enemy countries are parties to the Copyright Convention. Similar considerations seem to apply to the question of adhering to the Convention for the Protection of Industrial Property.

I have, &amp;c.,

WALTER H. LONG.

20799

No. 150.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.40 p.m., 27th April, 1918.)

[Answered by No. 151.]

TELEGRAM.

27TH APRIL. Your telegram of 6th April.\* My Ministers agree that a Proclamation should be issued under section 191 of Union Act 9 of 1916, applying provisions of section 41, (2) and (3), and section 80, (4) and (5), to the United Kingdom, provided an Order of His Majesty in Council is issued as suggested (by you) whereby persons residing in the Union will, as regards patents and designs, be afforded under the law of the United Kingdom privileges similar to those described in the above-mentioned subsections respectively. Ministers are advised that terms of section 191 of the Union Act only permit the issue of a proclamation when the reciprocal privileges have been granted. They would therefore suggest that a date should be pre-determined upon which both Proclamation and Order in Council shall take effect. 1st July, 1918, would appear to be a suitable date. On receipt of a telegram accepting that or any earlier date action will be taken here. Ministers are advised that no provision exists in the Union Act whereby like reciprocal privileges as between the Union and another country could be afforded in respect of trade-marks.—BUXTON.

25749

No. 151.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.0 p.m., 29th May, 1918.)

TELEGRAM.

[Answered by No. 152.]

YOUR telegram 27th April.† Order in Council will be submitted to His Majesty, applying as from 1st July next provisions of section 91 of Patents and Designs Act, 1907, so far as it relates to patents and designs, to Union of South Africa, on receipt of undertaking from your Government to issue Proclamation under section 191 of Union Act 9 of 1916, as regards United Kingdom, to have effect from same date.—LONG.

\* No. 148.

† No. 147.

‡ No. 150.



27752

No. 152.

THE DEPUTY FOR THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.10 a.m., 7th June, 1918.)

TELEGRAM.

[Answered by Nos. 153 and 154.]

(Extract.)

6TH JUNE, 1918. With reference to your telegram 29th May,\* patents and designs, Ministers state that Union Proclamation will be issued, to have effect from 1st July next.—INNES.

30690

No. 153.

THE SECRETARY OF STATE to THE DEPUTY FOR THE GOVERNOR-GENERAL.

(Sent 6.5 p.m., 25th June, 1918.)

TELEGRAM.

YOUR telegram 6th June.† Order in Council made 25th June applying section 91 Patents and Designs Act, 1907, so far as relates to patents and designs to Union of South Africa, with effect from 1st July.—LONG.

31888

No. 154.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Answered by No. 156.]

(No. 285.)

MY LORD,

Downing Street, 15th July, 1918.

WITH reference to my telegram of the 25th of June,‡ I have the honour to transmit to Your Excellency, to be laid before your Ministers, copies of an Order in Council dated the 25th of June, 1918, applying to the Union of South Africa the provisions of section 91 of the Patents and Designs Act, 1907, so far as relates to patents and designs.

I have, &amp;c.,

WALTER H. LONG.

40469

No. 155.

THE DEPUTY FOR THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th August, 1918.)

(No. 531.)

SIR,

Governor-General's Office, Pretoria, 1st July, 1918.

I HAVE the honour to transmit to you herewith, with reference to my telegram of the 6th June and your telegram of the 25th June,§ extract from the Union Government *Gazette* of the 28th June—Proclamation No. 82—on the subject of the application of certain provisions of the Union Patents, Designs, Trade-Marks and Copyright Act, 1916, to the United Kingdom.

I have, &amp;c.,

J. ROSE INNES,

Deputy for the Governor-General.

\* No. 151.

† No. 152.

‡ No. 153.

§ Nos. 152 and 153.

Enclosure in No. 155.

GOVERNMENT "GAZETTE," 28TH JUNE, 1918.

Proclamation

By His Excellency the Right Honourable Viscount Buxton, a member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, High Commissioner for South Africa, Governor-General and Commander-in-Chief in and over the Union of South Africa.

(No. 82, 1918.)

WHEREAS it has been provided by section *one hundred and ninety-one* of the Patents, Designs, Trade-Marks and Copyright Act, 1916, that the provisions of subsections (2) and (3) of section *forty-one* and the provisions of subsections (4) and (5) of section *eighty* shall not apply to any country outside the Union unless and until the Governor-General has, by Proclamation in the "Gazette," declared that such country affords privileges similar to those described in the said subsections respectively to persons residing in the Union:

And whereas it has been ascertained that similar privileges to those described in subsections (2) and (3) of section *forty-one* and subsections (4) and (5) of section *eighty* of the Patents, Designs, Trade-Marks and Copyright Act, 1916, are provided for by an Order of His Majesty in Council applying the provisions of the Patents and Designs Act, 1907, of the United Kingdom of Great Britain and Ireland, so far as it relates to patents and designs, to the Union of South Africa;

Now, therefore, under and by virtue of the powers and authority in me vested by section *one hundred and ninety-one* of the Patents, Designs, Trade-Marks and Copyright Act, 1916, I hereby declare, proclaim and make known that the United Kingdom of Great Britain and Ireland affords privileges similar to those described in subsections (2) and (3) of section *forty-one* and subsections (4) and (5) of section *eighty* to persons residing in the Union.

This Proclamation shall be of force and effect from and after the first day of July, 1918.

GOD SAVE THE KING.

Given under my hand and the Great Seal of the Union of South Africa at Kazungula Camp, Livingstone, this twenty-sixth day of June, One thousand Nine hundred and Eighteen.

BUXTON,

Governor-General.

By command of His Excellency the Governor General in Council,

N. J. DE WET.

57080

No. 156.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th November, 1918.)

(No. 817.)

SIR,

Governor-General's Office, Pretoria, 14th October, 1918.

WITH reference to your despatch No. 150, of the 11th April,\* I have the honour to transmit to you the accompanying copy of a minute from my Ministers, on the subject of the application to the Union of the provisions of section 91 of the Patents and Designs Act, 1907, so far as relates to patents and designs, and the adherence of the Union to the Copyright Convention of 1908, and the International Convention for the protection of industrial property of the 2nd June, 1911.

2. Since the date of this minute I have received and communicated to my Ministers the enclosures to your despatch No. 285, of the 15th July.†

I have, &amp;c.,

BUXTON,

Governor-General.

\* No. 149.

† No. 154.



Enclosure in No. 156.

MINUTE No. 1425.

Prime Minister's Office, Pretoria, 31st August, 1918.

MINISTERS have the honour to acknowledge the receipt of His Excellency's minute No. 7/2018 of the 16th July, enclosing a despatch from the Secretary of State for the Colonies (No. 150, dated 11th April, 1918), and a communication, dated 30th March, from His Majesty's Board of Trade, relative to the application to the United Kingdom of the privileges afforded by section 41 (2) and (3) of Act No. 9 of 1916 of the Union.

2. Ministers note that such despatch and communication were prior in date to certain cable despatches on the same matter from the Secretary of State. In respect of those cable despatches Ministers have addressed minutes to His Excellency. Those subsequent cable despatches are dated 29th May, 1918 (enclosed with His Excellency's minute to Ministers 7/1968 of 30th May), and 25th June, 1918 (enclosed with His Excellency's minute of 26th June under the same reference number).

In consequence of these despatches Ministers advised His Excellency to issue the necessary Proclamation under section 191 of Act No. 9 of 1916 of the Union declaring that, as from the 1st July, 1918, the United Kingdom afforded to persons residing in the Union privileges as regards patents and designs similar to those described in section 41 (2) and (3) and section 80 (4) and (5) of the Union Act. That Proclamation (No. 82 of 1918) was published in the *Union Gazette* of the 28th June, 1918, page 485, and is regarded as in operation.

3. It would seem, therefore, to Ministers that no further action by them is necessary with regard to the first paragraph of the Board of Trade's letter of the 30th March, transmitted with the Secretary of State's despatch No. 150, of the 11th of April. But Ministers await the receipt in due course of post of copies of the corresponding Order of His Majesty in Council issued under the Patents and Designs Act (1907) of the Imperial Parliament.

4. With regard to the second paragraph of that despatch, relative to the adhesion of the Union Government to the International Copyright Convention, Ministers concur in the conclusion arrived at and described in that paragraph.

N. J. DE WET.

## (b) Newfoundland.

By Act No. 6 of 1918 (8-9 Geo. V., cap. 6), a slight amendment was made in section 4 of chapter 109 of the Consolidated Statutes of Newfoundland (second series).

## RESOLUTION VII.: REPRESENTATION OF INDIA AT FUTURE IMPERIAL CONFERENCES.

That the Imperial War Conference desires to place on record its view that the Resolution of the Imperial Conference of 20th April, 1907, should be modified to permit of India being fully represented at all future Imperial Conferences, and that the necessary steps should be taken to secure the assent of the various Governments in order that the next Imperial Conference may be summoned and constituted accordingly.

27174

No. 157.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 158, 159, 160, 161, and 162.]

(Canada.	} Dominions No. 365.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 9th June, 1917.

I HAVE the honour to request that [Your Excellency] [you] will draw the attention of your Ministers to the resolution passed by the Imperial War Conference:—

"That the Imperial War Conference desires to place on record its view that the resolution of the Imperial Conference of 20th April, 1907, should be modified to permit of India being fully represented at all future Imperial Conferences, and that the necessary steps should be taken to secure the assent of the various Governments in order that the next Imperial Conference may be summoned and constituted accordingly."

2. I propose, therefore, subject to the assent of the other Governments which compose the Conference, when the time arrives for making arrangements for the meeting of the next Imperial Conference, to arrange for the representation of India.

[To Canada, Commonwealth of Australia, and Union of South Africa:

3. I should be glad to learn whether your Government assents accordingly.]

[To New Zealand and Newfoundland: 3. I understand from your telegram of the [5th May\*] [23rd April†] that your Government agree to this course.]

I have, &amp;c.,

WALTER H. LONG

34013

No. 158.

CANADA

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.3 p.m., 4th July, 1917.)

TELEGRAM.

4TH JULY. Your despatch 9th June,† Dominions 365. Government of Canada are glad to give their assent to representation of India at the next Imperial Conference.—DEVONSHIRE.

\* 23500: not printed. This telegram stated that the resolution had the cordial support of the Government of New Zealand.

† 21153: not printed. The telegram stated that the Newfoundland Government cordially assented to full representation of India at all future Imperial Conferences.

‡ No. 157.



44093

No. 159.

## NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 5th September, 1917.)

(No. 103.)

SIR, Government House, St. John's, 2nd August, 1917.  
 WITH reference to your despatch Dominions No. 365, of the 9th June,\* on the subject of the representation of India at all future Imperial Conferences, I have the honour to inform you that the assent of this Government in this matter was given in April last (*vide* my telegram of the 23rd April, 1917).†

I have, &amp;c.,

W. E. DAVIDSON,

Governor.

46839

No. 160.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th September, 1917.)

(No. 645.)

SIR, Governor-General's Office, Pretoria, 7th August, 1917.  
 I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 365, of the 9th June,\* copy of a minute from Ministers on the subject of the representation of India at future Imperial Conferences.

I have, &amp;c.,

BUXTON,

Governor-General.

Enclosure in No. 160.

MINUTE No. 1226.

MINISTERS have the honour to acknowledge the receipt of the Governor-General's minute No. 3/2246, of the 14th July, forwarding copy of a despatch from the Right Honourable the Secretary of State for the Colonies on the subject of the representation of India at all future Imperial Conferences.

Ministers would be glad if His Excellency would kindly inform the Secretary of State that they do not propose to raise any objection to the course proposed by him.

F. S. MALAN.

48485

No. 161.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st October, 1917.)

(No. 294.)

Commonwealth of Australia,

Governor-General's Office,

Melbourne, 10th August, 1917.

SIR, REFERRING to your despatch Dominions No. 365, dated 9th June, 1917,\* I have the honour, at the instance of my Prime Minister, to inform you that the

\* No. 157.

† 21153: not printed. See note on previous page.

Commonwealth Government assents to the proposal that, when the time arrives for making arrangements for the meeting of the next Imperial Conference, representation of India will be invited.

I have, &amp;c.,

R. M. FERGUSON,

Governor-General.

52735

No. 162.

## NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th October, 1917.)

(No. 222.)

SIR, Wellington, New Zealand, 4th September, 1917.

I HAVE the honour to inform you that I have caused to be laid before my Ministers your despatch Dominions No. 365, of the 9th June,\* inviting attention to the steps which you propose to take to give effect to the resolution passed by the Imperial War Conference relative to the representation of India at future Imperial Conferences.

2. The Government of New Zealand reaffirm the decision conveyed to you in my telegram of the 5th of May,†† to the effect that the terms of the above-mentioned resolution have their entire approval and support.

I have, &amp;c.,

LIVERPOOL,

Governor-General.

52735

No. 163.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

- |                                |                       |
|--------------------------------|-----------------------|
| (1. Canada.                    | } Dominions No. 743.) |
| (2. Commonwealth of Australia. |                       |
| (3. New Zealand.               |                       |
| (4. Union of South Africa.     |                       |
| (5. Newfoundland.              |                       |

Downing Street,

19th November, 1917.

[MY LORD DUKE,] [SIR,] [MY LORD,]  
 WITH reference to my despatch Dominions No. 365, of the 9th of June,\* and [Your Excellency's] [your] [1. telegram, of the 4th of July,†] [2. despatch No. 294, of the 10th of August,‡] [3. despatch No. 222, of the 4th of September,§] [4. despatch No. 645, of the 7th of August,||] [5. despatch No. 103, of the 2nd of August,¶] I have the honour to transmit to you, for the information of your Ministers, copies of the replies\*\* received from the other Self-governing Dominions with regard to the representation of India at future Imperial Conferences.

I have, &amp;c.,

WALTER H. LONG.

\* No. 157. † No. 158. ‡ No. 161. § No. 162. || No. 160. ¶ No. 159. \*\* Nos. 158, 159, 160, 161, and 162. †† 23500: not printed. See note on page 107.



**RESOLUTION VIII.: CARE OF SOLDIERS' GRAVES.**

The Conference, having considered the Minute addressed to the Prime Minister on the 15th March, 1917, by His Royal Highness the Prince of Wales, concurs in the proposals made therein, and humbly prays His Majesty to constitute by Royal Charter an Imperial War Graves Commission for the purposes stated by His Royal Highness, and along the lines therein set forth as embodied in the draft charter submitted to the Conference. The Conference places on record its very deep appreciation of the generous action of the French Government in allotting in perpetuity the land in that country where our men are buried, and urges that similar arrangements should be made, if possible, in the terms of peace with all Governments—Ally, Enemy, or Neutral—for a similar concession in Gallipoli, Mesopotamia, Africa, and all other theatres of war. The Conference desires to record its grateful appreciation of the work already done by the Prince of Wales and his Committee in caring for the graves of those who have fallen in the common cause of the Empire, and its satisfaction that His Royal Highness has consented to become the President of the permanent Commission.

and

**RESOLUTION XII.: CARE OF SOLDIERS' GRAVES.**

That the Imperial War Graves Commission be requested as soon as possible after their appointment and organization to prepare an estimate of the probable cost of carrying on the work entrusted to them and to submit the same to the Governments of the United Kingdom and Oversea Dominions with their recommendation as to the proportion that should be borne by each.

25583

No. 164.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNORS.

(Canada	} Dominions No. 321.)
(Commonwealth of Australia	
(New Zealand	
(Union of South Africa	
(Newfoundland	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 28th May, 1917.

I HAVE the honour to request [Your Excellency] [you] to invite the attention of your Ministers to the proceedings of the Imperial War Conference, a report of which will be found in the Parliamentary Paper of which copies are being sent to you in another despatch, on the subject of the appointment of an Imperial War Graves Commission.

2. It will be observed that on the 13th ultimo the Conference passed a resolution praying His Majesty to constitute by Royal Charter an Imperial War Graves Commission on the lines set forth in the draft charter submitted to the Conference; and I now enclose copies of an Order of His Majesty in Council, of the 10th instant approving the draft charter.

[Not to Newfoundland: 3. I should be glad if you would inform me by telegraph of the name of the person appointed by your Government to represent [Canada] [the Commonwealth of Australia] [New Zealand] [the Union of South Africa] on the Commission.\*]

[To Newfoundland only: 3. Dr. E. F. S. Green, M.D., of South Norwood, London, was nominated by Sir E. Morris to represent Newfoundland on the Commission, and the Secretary of State for War will be asked to communicate with him on the subject after the charter is sealed and issued.]

I have, &c.,

WALTER H. LONG.

\* Secretariat Note.—In reply to this despatch the Government of Canada nominated Sir. G. Perley, then Minister of the Overseas Military Forces, and the Governments of the Commonwealth of Australia, New Zealand, and the Union of South Africa nominated their High Commissioners as their representatives on the Commission.

Enclosure in No. 164.

AT THE COURT AT BUCKINGHAM PALACE, THE 10TH DAY OF MAY, 1917.

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS there was this day read at the Board a letter from Mr. Secretary Long, dated the 1st day of May, 1917, transmitting the draft of a charter of incorporation to be granted to "The Imperial War Graves Commission":

HIS MAJESTY, having taken the said draft charter into consideration, was pleased, by and with the advice of His Privy Council, to approve thereof, and to order, as it is hereby ordered, that the Right Honourable Sir George Cave, one of His Majesty's Principal Secretaries of State, do cause a warrant to be prepared for His Majesty's royal signature, for passing under the Great Seal of the United Kingdom a charter in conformity with the said draft, which is hereunto annexed.

J. C. LEDLIE.

GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India;

To all to whom these presents shall come greeting:

Whereas it has been represented to Us by Our most dearly beloved son, Edward Prince of Wales, Knight of the Most Noble Order of the Garter, that the establishment and organization of a permanent Imperial Body charged with the duty of caring for the graves of officers and men of Our military and naval forces raised in all parts of Our Empire who have fallen, or may fall, in the present War, and have been, or may be, buried either in foreign countries or in Our dominions, would, by honouring and perpetuating the memory of their common sacrifice, tend to keep alive the ideals for the maintenance and defence of which they have laid down their lives, to strengthen the bonds of union between all classes and races in Our dominions, and to promote a feeling of common citizenship and of loyalty and devotion to Us and to the Empire of which they are subjects:

And whereas the Government of the French Republic has made generous provision by law for the grant in perpetuity of land for the graves of all officers and men buried in France belonging to the forces of all foreign States fighting in alliance with the forces of the said Republic, and negotiations are now proceeding, or will hereafter be instituted, on Our behalf with the Governments of other foreign States for similar grants of land for the graves of officers and men of Our said forces who have been, or may be, buried in Belgium, in the Gallipoli Peninsula, in Mesopotamia, in parts of Africa not within Our dominions, or in any other foreign territory:

And whereas the objects intended to be promoted by this Our charter have hitherto formed the care of Our Army Council and of a Committee appointed by the Lords Commissioners of Our Treasury, of which Our said dearly beloved son, the Prince of Wales, is the President:

And whereas application has been made to us by Our said dearly beloved son, the Prince of Wales, to incorporate himself and the persons from time to time holding the several offices hereinafter named, and all other persons who may become members of the said Body as hereinafter provided:

NOW KNOW YE THAT WE, being desirous of promoting the establishment and organization of the said Body, have by Our royal prerogative and of Our especial grace, certain knowledge, and mere motion given and granted, and by this Our charter for Us, Our heirs and successors do hereby give and grant that—

Our said most dearly beloved son, Edward, Prince of Wales, Knight of the Most Noble Order of the Garter:

The persons for the time being holding the offices of—

Our Principal Secretary of State for War;

Our Principal Secretary of State for the Colonies;

Our Principal Secretary of State for India; and

First Commissioner of Our Office of Works and Public Buildings;



Such five persons as may from time to time be respectively appointed for that purpose by—

The Government of the Dominion of Canada;  
The Government of the Commonwealth of Australia;  
The Government of the Dominion of New Zealand;  
The Government of the Union of South Africa; and  
The Government of Newfoundland.

And all other persons who may, pursuant to this Our charter, become members of the Corporation established by this Our charter shall be a Body Corporate by the name of "The Imperial War Graves Commission," with perpetual succession and a common seal, with power to break, alter, or renew the same at discretion, and with capacity to sue or be sued in their corporate name, and with the further authorities, powers, and privileges conferred and subject to the conditions imposed by this Our charter.

And We do hereby accordingly will, ordain, give, grant, constitute, appoint, and declare as follows:—

#### I.—PRELIMINARY.

In the construction of this Our charter the following words and expressions, unless there is something in the context inconsistent with such interpretation, shall have meanings hereinafter attached to them; that is to say,

"The Commission" means the Corporation of the Imperial War Graves Commission established by this Our charter.

"Fallen" means died from wounds inflicted, accident occurring, or disease contracted, while on active service, whether on sea or land.

"Person" includes a body of persons corporate or unincorporate.

Words in the masculine gender include the feminine, and words in the singular number include the plural, and in the plural number include the singular.

#### II.—THE PRESIDENT.

1. The first President shall be Our dearly beloved son, Edward, Prince of Wales. In the event of a vacancy in the office of President, from whatever cause arising, such vacancy shall be filled by the nomination of a successor under the Sign Manual of the Sovereign for the time being.

2. The President shall preside at all meetings of the Commission and of any Committee constituted in pursuance of the provisions of this Our charter at which he may be present.

3. The President shall have power to summon meetings of the Commission at any time he may think fit so to do, in order to submit to the members thereof such matters of importance relating to the affairs of the Commission as he may deem requisite. Such meetings shall be summoned in such manner and by giving such notices as the President may think best calculated to advise the members of the Commission of the time and place of such meetings.

#### III.—THE MEMBERS OF THE COMMISSION.

The Members of the Commission shall consist of the following persons:—

1. The President.

2. The persons for the time being holding the offices hereinbefore mentioned and such persons as may be appointed by the Governments of Canada, Australia, New Zealand, South Africa, and Newfoundland, as hereinbefore provided in this Our charter, all of whom shall be styled and are hereinafter referred to as Official Members.

3. Such other persons, not exceeding the number of eight in all, as may from time to time be appointed Members of the Commission by Royal Warrant under the Sign Manual of the Sovereign for the time being.

#### IV.—ORGANIZATION.

1. (1) There shall be a Chairman of the Commission who, in the absence of the President, shall preside at all meetings thereof.

(2) The Chairman shall, subject to the power hereinbefore conferred upon the President, and subject to such regulations as may be made by the Commission as hereinafter provided, summon all meetings of the Commission for the despatch of business.

(3) The Chairman of the Commission shall be Our Principal Secretary of State for War.

2. (1) There shall be a Vice-Chairman of the Commission who, in the absence or illness or other incapacity of the Chairman, shall have and exercise the powers and authorities of the Chairman.

(2) The Vice-Chairman of the Commission shall be appointed by the Commission.

3. (1) There shall be a Secretary to the Commission, and as many Assistant Secretaries, not exceeding three, as may be necessary for the administration of the affairs of the Commission.

(2) The Secretary and Assistant Secretaries shall be appointed by the President.

(3) The Secretary and Assistant Secretaries shall not be members of the Commission, but the Secretary, or, in the event of his absence, illness, or other incapacity, one of the Assistant Secretaries, shall attend every meeting of the Commission and assist the Commission in the transaction of its business thereat.

4. The Commission shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings and generally with respect to the transaction and management of business, as they think fit, subject to the following conditions:—

(a) The first meeting of the Commission shall be held on such day after the date of this Our charter, and at such place, as may be determined by the President, and, subject to the provisions of this Our charter, the proceedings at any such first meeting of the Commission shall be conducted in such manner as may be directed by the President.

(b) The quorum of the Commission shall consist of five members, or such other number as the President, with the concurrence of the Commission, may declare.

(c) Every question shall be decided by a majority of votes of the members present and voting on that question.

(d) The names of the members present at a meeting shall be recorded, and, upon a requisition made by three or more members voting on a question, the names of the members voting on that question shall be recorded.

5. (1) If at any meeting neither the President nor the Chairman nor the Vice-Chairman is present at the time appointed for holding the same, the members present shall choose some one of their number to preside at such meeting.

(2) In case of an equality of votes at any meeting the person presiding at such meeting shall have a second or casting vote.

(3) If any Official Member is unable to be present at any meeting he may appoint some fit person to represent him at such meeting, and such representative shall be entitled to exercise all the powers and privileges of such member save that he shall not be entitled or chosen to preside at such meeting.

6. The Commission may from time to time delegate all or any of its powers to Committees, consisting of such number of its members as the Commission may think fit, and may appoint the quorum for any such Committee. Such Committees shall have power to make or adopt such rules for the guidance and regulation of the affairs of the Commission specially delegated to them, and as to the holding of their meetings and the conduct of their business thereat, as they may from time to time see fit, subject to the control of the Commission.

7. (1) The Commission may from time to time appoint Advisory Committees, consisting of such persons as the Commission may think fit, to advise the Commission, either permanently or temporarily, on any special subject.

(2) The members of such Advisory Committees shall hold their offices during the pleasure of the Commission. Such Advisory Committees shall have power to make or adopt such regulations as to the holding of their meetings and the conduct of their business thereat as they may from time to time see fit, but shall obey any directions given them by the Commission as to the exercise of their powers with regard to the subject referred to them.

8. The Commission may from time to time constitute and maintain Agencies in Our Dominions beyond the Seas and in Our Protectorates and in foreign States charged with the duty of aiding the Commission to carry locally into effect any of



the purposes of the Commission, and may delegate to any such Agency such of the powers, authorities, and privileges conferred on the Commission by this Our charter as may be specified in the instrument constituting such Agency.

#### V.—PURPOSES AND POWERS OF THE COMMISSION.

1. The purposes of the Commission are the following:—

(1) To acquire and hold land for the purpose of cemeteries in any territory in which any officers or men of Our military or naval forces raised in any part of Our Empire who shall have fallen in the present War may be buried.

(2) To make fit provision for the burial of officers and men of Our said forces and the care of all graves in such cemeteries, to erect buildings and permanent memorials therein, and generally to provide for the maintenance and upkeep of such cemeteries, buildings, and memorials.

(3) To complete and maintain records and registers of all graves within such cemeteries.

(4) To make fit provision for the care of all graves of officers or men of Our said forces who shall have fallen in the present War and may be buried elsewhere than in such cemeteries as aforesaid.

(5) To acquire and hold land for the purpose of providing or erecting permanent memorials elsewhere than in such cemeteries as aforesaid in honour of any officers or men of Our said forces who shall have fallen in the present War.

2. The Commission is hereby authorized and empowered for the purposes aforesaid from time to time—

(1) To acquire by gift, purchase, or otherwise, and hold and dispose of personal or movable property of every kind in the United Kingdom or elsewhere.

(2) To acquire by gift, purchase, or otherwise, and to hold (without licence in mortmain or other authority than this Our charter) lands in the United Kingdom, not exceeding two hundred acres for the purposes of such cemeteries as aforesaid, or five acres for the purposes of such offices as may be required by the Commission, and to acquire by the like means and to hold (subject to any local law for the time being in force) lands in any of Our Dominions beyond the Seas, and in any of Our Protectorates, and in any foreign State, for the purposes of such cemeteries or offices as aforesaid.

(3) To provide for the burial in any such cemetery of any such officers or men of Our forces as aforesaid, and to exercise such powers of exhumation and reinterment as may appear to the Commission to be desirable, and as may be approved by the duly constituted local authority in the territory or territories concerned.

(4) To erect and maintain buildings and permanent memorials on or in any such cemetery, to plant trees, shrubs, and flowers therein, to make and maintain all necessary fences, ways, and paths, and to do all such other things as may be necessary for the general maintenance and upkeep of such cemetery.

(5) To permit or to prohibit the erection by any person other than the Commission of permanent memorials in any such cemetery, or in any part of such cemetery, and, where such memorials are permitted, to receive and deal with applications by any persons to erect any such memorial, and to reject any application if the proposed memorial appears to the Commission (whose decision shall be final) to be unsuitable.

(6) To provide for the registration of all graves in such cemeteries, and for the method of keeping all registers or branch registers used for this purpose, and for their inspection by the public, and their safe custody.

(7) To make by-laws, as hereinafter provided, with regard to any such cemetery, subject in every case to the local law of the territory in which such cemetery is situated.

(8) To provide for the care of graves of any officers and men of Our said forces who may be buried elsewhere than in such cemeteries as aforesaid, for the placing of memorials on such graves, for their registration, and for the doing of all such other things as the Commission may think proper with regard to such graves, subject in every case to the local law of the territory in which any such grave may be situated.

(9) To take such steps as may be necessary under the local law of the territory concerned to enable the Commission to hold any land, other than any such cemetery as aforesaid, for the purpose of providing or erecting any permanent memorial in honour of officers or men of Our said forces who shall have fallen in the present War.

(10) To establish and maintain such offices as may be necessary for the work of the Commission, whether in the United Kingdom or elsewhere, to build or take by gift, lease, purchase, or otherwise suitable buildings for such purposes, and to dispose from time to time of any land and buildings used for such offices when not required for such purposes.

(11) To appoint and employ such officers and servants as may be necessary to carry out the work of the Commission, whether in such offices or in such cemeteries as aforesaid, and whether in the United Kingdom or elsewhere.

(12) To enter into any contract, whether within the United Kingdom or elsewhere, with any of Our subjects, or with the subjects or citizens of any foreign State, with a view to the carrying into effect of any of the purposes or the exercise of any of the powers of the Commission.

(13) To act as the "Association Régulièrement Constituée" for the purpose of the French law of the 29th day of December, 1915, and to have similar authority in relation to any law or agreement of a like nature passed by or made with the Government of any other foreign State, and generally for the purposes of this Our charter to enter into such relations with the Government of any foreign State, or any Body authorized by such Government, as may be approved by Our Principal Secretary of State for Foreign Affairs.

(14) To enter into such arrangements with the Government of any part of Our Dominions beyond the Seas, or of any of Our Protectorates, as may be desirable with a view to the carrying into effect of any of the purposes or the exercise of any of the powers of the Commission.

(15) To do anything not expressly hereinbefore provided for which may be incidental or conducive to the carrying into effect of any of the purposes or the exercise of any of the powers of the Commission.

3. The Commission is hereby specially authorized and empowered from time to time to make by-laws (subject as aforesaid) with regard to the following matters:—

(1) The protection of public health and the maintenance of public decency and order in the cemeteries held for the purposes of the Commission.

(2) The hours for opening and closing such cemeteries and the admission of the public thereto.

(3) The conditions upon which any private memorials, permanent or temporary, may be placed upon graves in such cemeteries.

(4) The duties and conduct of all officers and servants of the Commission in relation to such cemeteries.

(5) The entry of records in all registers kept at such cemeteries, the inspection thereof by the public, and the safe custody of such registers.

(6) Generally, all such matters as appertain to the work of the Commission in connexion with the maintenance and upkeep of all cemeteries held for the purposes of the Commission.

4. In the construction of this Part of Our charter the word "cemetery" may or shall include a Hindu or other non-Christian cremation ground, and any action which may be taken in regard to a cemetery under the provisions of this Our charter may be taken in regard to such a cremation ground in so far as may be consistent with Hindu or such other religious customs as may be applicable in the case of any such cremation ground.

#### VI.—FINANCIAL.

1. The Commission is hereby authorized and empowered—

(1) To receive all funds which may be granted annually or otherwise by the Legislature of any part of Our Dominions or any of Our Protectorates in furtherance of the purposes of this Our charter.

(2) To administer all funds which may be granted as aforesaid, and to receive and administer all other funds which may be given or bequeathed in furtherance of the said purposes or derived from any other source not hereinbefore mentioned, with power, subject to any such conditions as may be attached to any such grant, gift, or bequest, as aforesaid, to treat all such funds either as capital or income at its discretion.

(3) To establish an Endowment Fund, consisting of such part of its funds as shall from time to time be treated as capital.



(4) To receive the income for the time being produced by the Endowment Fund, and to apply such income and all other the income of the Commission in carrying into effect the purposes of this Our charter

2. (1) The Endowment Fund established as aforesaid shall be vested in three Trustees, who shall be appointed, with the approval of the President, by the Commission under their common seal, and any vacancy in their number occasioned by death, resignation, or incapacity shall be filled in the like manner.

(2) The Trustees may invest, and change the investments of, any moneys for the time being constituting the capital of the Endowment Fund in such manner, and in and for such securities of such a description as the Trustees think expedient.

#### VII.—GENERAL.

1. The Commission may at any time, and from time to time, with the concurrence of the President, apply for and accept a Supplemental Charter, or an Act of Parliament, if it appears to it that such Supplemental Charter or Act of Parliament is required for carrying into effect any of the purposes or powers of this Our charter.

2. No act or proceeding of the Commission, or of a Committee established by the Commission, shall be questioned on account of any vacancy or vacancies in the Commission or any such Committee.

3. No defect in the qualification or appointment of any person acting as a member of the Commission or of a Committee established by the Commission shall be deemed to vitiate any proceedings of the Commission or of such Committee in which he has taken part, in cases where the majority of members parties to such proceedings are duly entitled to act.

4. (1) Any instrument which, if made by a private person, would be required to be under seal, shall be under the seal of the Commission and signed by the proper officer of the Commission. Any notice issued by or on behalf of the Commission shall be deemed to be duly executed if signed by the proper officer; but, subject as aforesaid, any appointment made by the Commission, and any contract, order, or other document made by or proceeding from the Commission shall be deemed to be duly executed either if sealed with the seal of the Commission and signed by the proper officer, or if signed by two or more members of the Commission authorized to sign them by a resolution of the Commission and countersigned by the proper officer.

(2) The proper officer of the Commission shall be any officer authorized by the Commission to sign such notices and documents as he is required to sign as aforesaid.

#### VIII.—ANNUAL REPORT AND STATEMENT OF ACCOUNTS.

1. The accounts of the Commission shall be audited annually by an auditor or auditors, who shall be chartered accountants, and who shall be named by the Governor of the Bank of England for the time being.

2. The Commission shall, once in every year at least, prepare a General Report of their proceedings for the year preceding, and attach thereto a duly certified Statement of Accounts and of the finances of the Commission.

3. The President shall, on the completion of every such annual General Report and Statement of Accounts forthwith submit the same to Us, and it shall be the duty of the Secretary to transmit copies thereof for the information of the Governments of such parts of Our Dominions as are represented on the Commission or have made grants as aforesaid in furtherance of the purposes of this Our charter.

In witness whereof We have caused these Our Letters to be made patent.

Witness Ourselves, at Westminster, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 1917, and in the eighth year of Our reign.

By Warrant under the King's Sign Manual.

35272

No. 165.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada	} Dominions No. 481.)
(Commonwealth of Australia	
(New Zealand	
(Union of South Africa	
(Newfoundland	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 26th July, 1917.

WITH reference to my despatch Dominions No. 321, of the 28th May,\* I have the honour to request Your Excellency to inform your Ministers that I have asked the Army Council to bring to the notice of the Secretary of State for War, as Chairman of the Imperial War Graves Commission, the resolution passed by the Imperial War Conference on the 23rd April, viz:—"That the Imperial War Graves Commission be requested as soon as possible after their appointment and organization to prepare an estimate of the probable cost of carrying on the work entrusted to them, and to submit the same to the Governments of the United Kingdom and Oversea Dominions with their recommendation as to the proportion that should be borne by each."

I have, &c.,  
WALTER H. LONG.

54219

No. 166.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.	} Dominions No. 731.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street,  
13th November, 1917.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, a copy of a notice which has been issued from the Press Bureau as to the constitution and scope of the Imperial War Graves Commission.

I have, &c.,  
WALTER H. LONG.

Enclosure in No. 166.

5th November, 1917.

THE Imperial War Graves Commission established under Royal Charter, and charged with the duty of caring for the graves of officers and men of the military and naval forces of the Empire who fall in the War, has now been constituted, as follows:—

His Royal Highness the Prince of Wales, K.G. (President).

Nine official members, namely:—

The Secretary of State for War (Chairman)

The Secretary of State for the Colonies;

The Secretary of State for India;

The First Commissioner of Works;

and the following persons appointed by the Governments of Canada, Australia, New Zealand, South Africa, and Newfoundland, respectively:—

\* No. 164.



The Honourable Sir George Perley, K.C.M.G., High Commissioner for Canada;

The Right Honourable Andrew Fisher, High Commissioner for Australia;

The Honourable Sir Thomas Mackenzie, K.C.M.G., High Commissioner for New Zealand;

The Right Honourable W. P. Schreiner, C.M.G., High Commissioner for the Union of South Africa;

Dr. E. F. S. Green, Newfoundland.

Seven unofficial members appointed by Royal Warrant, namely:—

Sir William Garstin, G.C.M.G.;

Harry Gosling, Esq., C.H., J.P.;

Rudyard Kipling, Esq.;

Lieutenant-General Sir C. F. N. Macready, K.C.B., K.C.M.G.;

General Sir Herbert C. O. Plumer, G.C.M.G., G.C.V.O., K.C.B.;

Admiral Sir Edmund S. Poe, G.C.V.O., K.C.B.;

Brigadier-General Fabian Ware, C.M.G.

The work of registering, maintaining, and caring for the graves of officers and men of the British and Dominion forces who fall in the War, was, early in the year 1915, entrusted to a new branch of the Army, the Directorate of Graves Registration and Inquiries, and Graves Registration Units were established in the different theatres of war. In December, 1915, as the result of negotiations with the Directorate, the French Government passed a law under which the French nation undertook the whole cost of the provision, in perpetuity, of land for the graves of Allied soldiers in French territory. In August, 1917, an agreement with the Belgian Government was also concluded, embodying conditions as to the provision of land in Belgian territory similar to those granted by the French Government.

Under the French law of December, 1915, it was laid down that the care and upkeep of the graves of Allied soldiers would be a charge on the French Government, but might be entrusted to "associations regularly constituted" in France and in the Allied countries. The British Government, in gratefully acknowledging this generous offer, decided that this charge should be accepted by it as a national duty. In order, therefore, to form a body which could act as an "association" under the French law, and which also on the conclusion of hostilities could take over from the Directorate the work of maintaining and caring for the graves, a National Committee was appointed by the Prime Minister in January, 1916, of which His Royal Highness the Prince of Wales was graciously pleased to accept the Presidency. In course of time, however, as the scale of the War extended, and in view especially of the increase in the Dominion forces on the various fronts, there was felt to be need of a body more formally constituted, wider and more Imperial in scope, and possessed of full powers to undertake this work on behalf of the Governments of the Empire. Moreover, it was recognized that, though military exigencies had forbidden the erection of permanent memorials during the War, the work of preparing and studying schemes for the laying-out and adornment of cemeteries and for the provision of the necessary funds could properly be taken in hand without delay by a permanent Imperial organization.

Such considerations as these found expression in a minute which the Prince of Wales addressed to the Prime Minister in March, 1917, suggesting that a permanent Commission should be established to take over the work of the National Committee for the Care of Soldiers' Graves. This minute was brought before the Imperial War Conference in April, and the Conference passed a resolution concurring in the proposal and praying His Majesty to constitute by Royal Charter, a draft of which was approved by the Conference, an Imperial War Graves Commission for the purposes stated by His Royal Highness. At the same time the Conference placed on record its very deep appreciation of the generous action of the French Government in allotting, in perpetuity, the land in that country set aside for the burial of our men, and urged that arrangements should be made, if possible in the terms of peace, with all Governments—Ally, enemy, or neutral—for similar concessions in Gallipoli, Mesopotamia, Africa, and all other theatres of war.

Later in the year the resolution of the Imperial War Conference was carried into effect, and the Commission, duly appointed under Royal Charter, is now ready

to take up its work. It is provided by the charter with full executive and administrative powers, which, of course, can be exercised only when military conditions permit. It is authorized to acquire and hold land in this country and abroad, to control, maintain, and adorn the cemeteries, to erect permanent memorials, to make arrangements with regard to scattered graves, and to receive and administer funds provided by the State and funds bequeathed by regiments or private individuals for special purposes.

The Imperial War Conference was unanimously of opinion that the maintenance of the burial places of our soldiers and sailors was a sacred obligation resting on the whole Empire, and that accordingly the cost of the work to be undertaken by the Commission should be met out of funds provided by the British and Dominion Parliaments and that no appeal should be made for subscriptions for the erection of permanent memorials. The Conference therefore resolved that one of the first duties of the Commission should be to prepare an estimate of the probable cost of carrying out the work entrusted to it and to submit the same to the Governments of the United Kingdom and Oversea Dominions, with a recommendation as to the proportion that should be borne by each.

It is understood that the first meeting of the Commission will be held shortly.

*Secretariat Note.*—Other correspondence, which is not printed, took place with the Dominion Governments as to the location of war graves and details of administration.

The general question was further discussed at the Imperial War Conference, 1918, see pages 28-33, and 226-228 of [Cd. 9177], and Resolution No. I.; also pages 1-2 of Dominions No. 69.

For further correspondence see under Resolution I. of the 1918 Conference (page 170).



## RESOLUTION IX.: CONSTITUTION OF THE EMPIRE.

The Imperial War Conference are of opinion that the readjustment of the constitutional relations of the component parts of the Empire is too important and intricate a subject to be dealt with during the War, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities.

They deem it their duty, however, to place on record their view that any such readjustment, while thoroughly preserving all existing powers of self-government and complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth and of India as an important portion of the same; should recognize the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations; and should provide effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine.

*Secretariat Note.*—For the correspondence on this subject see Dominions No. 66.

## RESOLUTION X.: NATURALIZATION.

The Conference recognizes the desirability and importance of securing uniformity of policy and action throughout the Empire with regard to naturalization.

It is resolved that the proposals set forth in the Memorandum submitted by the Home Office be commended to the consideration of the respective Governments summoned to the Conference.

21627

No. 167.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNORS.

[Answered by Nos. 168, 169, and 173.]

(Canada.	} Dominions No. 308.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 18th May, 1917.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a memorandum\* by the Home Office on the subject of nationality and naturalization which was submitted to the Imperial War Conference, with the result that, after the discussions of which I enclose a report,† a resolution was adopted in the following terms:—

"The Conference recognizes the desirability and the importance of securing uniformity of policy and action throughout the Empire with regard to naturalization, and it is resolved that the proposals set forth in the memorandum submitted by the Home Office be commended to the consideration of the respective Governments summoned to the Conference."

2. It will be observed that the memorandum contains in the first appendix the draft of a Bill to amend the British Nationality and Status of Aliens Act, 1914. This Bill is drafted in such a way that its main provision, dealing with the revocation of certificates of naturalization, will become a part of Part II. of the principal Act, and will therefore be capable of adoption by the Self-governing Dominions; and it is hoped that it may be passed in such a form as to enable uniform legislation to be subsequently adopted throughout the Empire. As it is the desire of His Majesty's Government to introduce the Bill as early as possible, I shall be glad if you will communicate to me by telegraph the views of your Ministers with regard to it.

I have, &c.,  
WALTER H. LONG.

37828

No. 168.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 8.30 p.m., 27th July, 1917.)

TELEGRAM.

[Answered by No. 188.]

YOUR despatch 18th May, 308.‡ Ministers concur in suggested amendment.  
—DAVIDSON.

\* See pages 151-6 of [Cd. 8566].

† See pages 61 and 63-70 of [Cd. 8566].

‡ No. 167.



40759

No. 169.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 8-10 p.m., 15th August, 1917.)

TELEGRAM.

YOUR despatch 18th May, 308,\* nationality and naturalization. Ministers concur in provisions of draft Bill.—BUXTON.

43374

No. 170.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 178, 181, and 183.]

(Canada.	} Dominions No. 596.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

Downing Street.

[MY LORD DUKE,] [SIR,] [MY LORD,] 13th September, 1917.

WITH reference to my despatch Dominions No. 308, of the 18th May,\* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a revised draft of the Bill to amend the British Nationality and Status of Aliens Act, 1914.

2. It will be observed that certain alterations in the drafting of the Bill have been found necessary. The only alterations of substance which have been made in the draft submitted to the Imperial War Conference are:—

- (i) The insertion of a provision [*vide* Clause 2 (1)] conferring British nationality on the children born abroad of British subjects in the service of the Crown. The persons specially in view are British diplomatic or consular representatives who may themselves have been born outside His Majesty's dominions; and in whose cases the exclusion from British nationality of the second generation born abroad appears to operate with undue harshness;
- (ii) The amendment of the provisions relating to the effect of the revocation of certificates [*vide* Clause 1, 7A (1)] so as not to confine the power of the Secretary of State to alter the nationality of the minor children of persons whose certificates are revoked to those children who had obtained British nationality through the naturalization of the parent, but to permit the British nationality of all the minor children of the person in question to be affected. This alteration appears to be an improvement, as it enables the case of each family to be dealt with as a whole.

3. As regards the reference to the "High Court" in Clause 1, 7 (3), of the Bill, it is recognized that this requires further examination from the point of view of the adoption of the contemplated legislation by the Self-governing Dominions. The matter is at present under consideration, and I will communicate to you the terms of any amendment of the Bill which may be made in this connexion. Subject to this it is hoped that the terms of the revised draft will be acceptable to the Governments of the Self-governing Dominions.

I have, &amp;c.,

WALTER H. LONG.

\* No. 167.

Enclosure in No. 170.

## DRAFT OF A BILL TO AMEND THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914.

A.D. 1917.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following sections shall be substituted for Section 7 of the British Nationality and Status of Aliens Act, 1914 (hereinafter referred to as "the principal Act"), which relates to the revocation of certificates of naturalization:—

"7.—(1) Where it appears to the Secretary of State that a certificate of naturalization granted by him has been obtained by false representations or fraud the Secretary of State may by order revoke the certificate, and may, if he thinks fit, before so doing refer the case for such inquiry as is hereinafter specified.

"(2) Without prejudice to the foregoing provision the Secretary of State may by order revoke a certificate of naturalization granted by him in any case in which he is satisfied after such inquiry as is hereinafter specified that the person to whom the certificate was granted either:—

(a) Has shown himself by overt act or speech to be disloyal to His Majesty; or

(b) Has within five years of the date of the grant of the certificate been sentenced by any court in His Majesty's dominions to imprisonment for a term of not less than twelve months or to a term of penal servitude, or

(c) Was not of good character at the date of the grant of the certificate; or

(d) Has since the date of the grant of the certificate been for a period of not less than seven years ordinarily resident out of His Majesty's dominions otherwise than as a representative of a British subject, firm, or company carrying on business, or an institution established, in His Majesty's dominions, or in the service of the Crown, and has not maintained substantial connexion with His Majesty's dominions;

and that (in any case) the continuance of the certificate is not conducive to the public good.

"(3) An inquiry under this section shall be held by a committee constituted for the purpose by the Secretary of State, presided over by a person (appointed by the Secretary of State) who holds or has held high judicial office, and shall be conducted in such manner as the Secretary of State may direct.

"Any such committee shall have all such powers, rights, and privileges as are vested in the High Court or in any judge thereof on the occasion of any action, in respect of the following matters:—

(a) The enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(b) The compelling the production of documents; and

(c) The punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

"(4) Where a person to whom a certificate of naturalization has been granted in some other part of His Majesty's dominions is resident in the United Kingdom, the certificate may be revoked in accordance with this section by the Secretary of State, with the concurrence of the Government of that part of His Majesty's dominions in which the certificate was granted.

"(5) Where the Secretary of State revokes a certificate of naturalization, the revocation shall have effect from such date as the Secretary of State may direct, and the Secretary of State may order the certificate to be given up and cancelled, and any person refusing or neglecting to give up his certificate shall be liable on summary conviction to a fine not exceeding one hundred pounds.

"7A.—(1) Where a certificate of naturalization is revoked the Secretary of State may by order direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be British subjects, and any such person shall thereupon become an alien; but except where the Secretary of State

Substitution of provisions for Section 7 of the principal Act.  
Revocation of certificates of naturalization.

Effect of revocation of certificates.



directs as aforesaid, the nationality of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation, and they shall remain British subjects:

"Provided that it shall be lawful for the wife of any such person within six months after the date of the order of revocation to make a declaration of alienage, and thereupon she and any minor children of her husband and herself shall cease to be British subjects and shall become aliens."

"(2) The provisions of this section shall, as respects persons affected thereby, have effect in substitution for any other provisions of this Act as to the effect upon the wife and children of any person where the person ceases to be a British subject and such other provisions shall accordingly not apply in any such case."

2. The following amendments shall be made in the principal Act:—

(1) In paragraph (b) of Sub-section (1) of Section 1 (which defines natural-born British subjects) after the words "had been granted" there shall be inserted the words "or became a British subject by reason of any annexation of territory, or was at the time of that person's birth in the service of the Crown"; and at the end of that section the following sub-section shall be inserted:—

"(4) The certificate of a Secretary of State that a person was at any date in the service of the Crown shall, for the purposes of this section, be conclusive."

(2) At the end of Section 2 (which relates to the grant of certificates of naturalization) the following sub-section shall be inserted:—

"(6) For the purposes of this section a period spent in the service of the Crown may, if the Secretary of State thinks fit, be treated as equivalent to a period of residence in the United Kingdom."

(3) In the proviso to Sub-section (1) of Section 8 (which relates to the grant of certificates of naturalization in British possessions) after the words "any certificate proposed to be granted" there shall be inserted the words "and any proposal to revoke any certificate."

(4) In Sub-section (1) of Section 27 (which contains definitions) at the end of the definition of "British subject" after the words "has been granted" there shall be inserted the words "or a person who has become a subject of His Majesty by reason of any annexation of territory," and for Sub-section (2) of that section the following sub-section shall be substituted:—

"(2) Where in pursuance of this Act the name of a child is included in a certificate of naturalization granted to his parent, or where, in pursuance of any Act repealed by this Act, any child has been deemed to be a naturalized British subject by reason of residence with his parent, such child shall, for the purposes of this Act, be deemed to be a person to whom a certificate of naturalization has been granted."

3.—(1) This Act may be cited as the British Nationality and Status of Aliens Act, 1917, and the principal Act and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 and 1917.

(2) Every enactment and word which is directed by this Act to be substituted for or added to any portion of the principal Act shall form part of that Act in the place assigned to it by this Act; and the principal Act, and any enactments referring thereto, shall after the commencement of this Act be construed as if that enactment or word had been originally enacted in the principal Act in the place so assigned, and, where it is substituted for another enactment or word, had been so enacted in lieu of that enactment or word, and the expression "this Act" in the principal Act or this Act shall be construed accordingly.

(3) A copy of the principal Act with every such enactment and word inserted in the place so assigned shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament, and His Majesty's printer shall print in accordance with the copy so certified all copies of the principal Act which are printed after the commencement of this Act.

Minor amendments of the principal Act.

Short title and printing.

49345

No. 171.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th October, 1917.)

[Answered by No. 177.]

(No. 668.)

SIR,

Government House, Ottawa, 15th September, 1917.

WITH reference to Mr. Harcourt's telegram of the 29th September, 1914,\* and to the reply of His Royal Highness the Duke of Connaught of the 3rd October of the same year,† on the subject of the issue of certificates of naturalization to people of enemy alien birth, I have the honour to transmit, herewith, copies of an approved minute of the Privy Council for Canada.

You will observe that the Minister of Justice recommends that certificates of naturalization may be issued, under the Naturalization Act of 1914, to alien enemies who have resided for many years in Canada, on its being shown that they are clearly in sympathy with the United Kingdom and its Allies in the present War and that they have no pro-German or other alien enemy affiliations or connexions.

I have, &amp;c.,

DEVONSHIRE.

Enclosure in No. 171.

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL ON THE 13TH SEPTEMBER, 1917.

(P.C. 2552.)

THE Committee of the Privy Council have had before them a report, dated 12th September, 1917, from the Secretary of State, referring to a cable despatch of the Right Honourable the Secretary of State for the Colonies to His Royal Highness the Governor-General, dated 29th September, 1914, in which it is stated that certificates of naturalization are not granted by the Home Department of the United Kingdom to subjects of an enemy State except to persons performing public service or work of utility, or for other special reasons; and to a cable despatch from His Royal Highness the Governor-General to the Secretary of State for the Colonies, dated 3rd October, 1914, in which it is stated that, in view of conditions in Canada and the provisions of the Canadian Naturalization Act, subjects of enemy States who have settled in Canada and have completed the residence necessary for local naturalization, should not be excluded therefrom on the sole grounds of their being subjects of enemy States, and, subject to any objection His Majesty's Government may suggest, it is proposed to continue this course.

The Minister observes that the administration of the Naturalization Act, chapter 77 of the Revised Statutes of Canada, rests with the Courts and not with any Department of the Government, but that the administration of the Naturalization Act, 1914, rests with the Department of the Secretary of State; and, in conformity with the despatch of His Royal Highness of the 3rd of October, 1914, the Secretary of State, in the exercise of his discretion, has refused to grant certificates to persons of alien enemy origin pending the War. Judicial opinion on the subject of the propriety of granting naturalization under chapter 77 is not uniform, some judges holding that this statute is in abeyance with respect to alien enemies pending the War, and others holding that the Hague Conventions prevail and that alien enemies are entitled to naturalization certificates under chapter 77 of the Revised Statutes. This difference of opinion, and the decision of the Secretary of State above referred to, render it impossible for alien enemies residing in districts where the judges hold that the Naturalization Act, chapter 77, is in abeyance with respect to alien enemies during the War to become naturalized.

The Minister observes further, that many persons of alien enemy origin who came to Canada many years ago, during infancy, and have grown up believing themselves to be British subjects, now that questions of nationality are carefully

\*No. 23.

†No. 24.



scrutinized, find it impossible to show that they have become British subjects, although they have voted and held municipal positions for many years. Many others believe that they became British subjects through the naturalization of their parents, but they are unable to prove it because the records are not available. It was not until the year 1902 that reports of the Clerks of Courts granting naturalization certificates were required to be made to the Secretary of State, and in many cases the Court records are defective. In other cases, aliens of enemy origin have commenced proceedings to obtain naturalization which through the neglect of agents or others were abortive.

The Minister, therefore, recommends that certificates of naturalization may be issued under the Naturalization Act, 1914, to alien enemies who have resided for many years in Canada, on its being shown that they are clearly in sympathy with the United Kingdom and its Allies in the present War and that they have no pro-German or other alien enemy affiliations or connexions.

The Committee concur in the foregoing, and, on the recommendation of the Secretary of State, advise that Your Excellency may be pleased to communicate the sense hereof, if approved, to the Right Honourable the Secretary of State for the Colonies, for the information of His Majesty's Government.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

50509

No. 172.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.	} Dominions No. 706.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

Downing Street,  
31st October, 1917.

[MY LORD DUKE,] [MY LORD,] [SIR,]

WITH reference to the last paragraph of my despatch Dominions No. 596, of the 13th September\* I have the honour to request [Your Excellency] [you] to inform your Ministers that in order to meet the difficulty raised by the use of the phrase "High Court" in clause 1, 7 (3) of the Bill to amend the British Nationality and Status of Aliens Act, 1914, it is proposed to amend clause 2 (3) of the Bill so as to read:—

"In subsection (1) of section 8 (which relates to the grant of certificates of naturalization in British Possessions), after the words "United Kingdom" there shall be inserted the words "and a Superior Court of the Possession" for "the High Court," and after the words "any certificate proposed to be granted" there shall be inserted the words "and any proposal to revoke any certificate."

I have, &c.,  
WALTER H. LONG.

55136

No. 173.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.45 p.m., 9th November, 1917.)

TELEGRAM.

[Answered by No. 187.]

9TH NOVEMBER. With reference to your despatch 18th May, Dominions 308,† on subject of nationality and naturalization, my Ministers inform me that

\* No. 170.

† No. 187.

the British Nationality and Status of Aliens Act, 1914, is not law in New Zealand, as shortly (?) after the outbreak of war it was decided, firstly, not to legislate on this subject until (?) after the War, except in the direction of giving the Governor-General power to cancel letters of naturalization under certain circumstances, and, secondly, not to allow any person to become naturalized during the War. Legislation has been passed which provides if the Governor-General in Council is satisfied with respect to any British naturalized subject that it is expedient for the welfare or defence of the realm or the peace and good government of New Zealand, or otherwise on grounds of public policy, that the naturalization of that person should be revoked, he may by Order in Council declare that the naturalization of the said person shall be revoked and that the said person shall cease to be a British subject naturalized in New Zealand as from a date to be specified in that Order in Council, and every such order shall have effect according to its tenor. Unless His Majesty's Government expresses a wish to the contrary, my Ministers prefer not to submit further proposal on subject of naturalization and nationality to Parliament until declaration of peace.—LIVERPOOL.

55662

No. 174.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 13th November, 1917.)

[Answered by No. 177.]

(No. 761.)

SIR, Government House, Ottawa, 25th October, 1917.  
I HAVE the honour to forward, herewith, for your information, a copy of an Order in Council, dated 20th October, 1917, relating to naturalization.

I have, &c.,  
DEVONSHIRE.

Enclosure in No. 174.

(P.C. 2948.)

PRIVY COUNCIL, CANADA.

AT THE GOVERNMENT HOUSE AT OTTAWA, SATURDAY, THE 20TH DAY OF OCTOBER, 1917.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council P.C. 2552, dated 13th September, 1917,\* it was directed that certificates of naturalization may be issued under the Naturalization Act, 1914, to alien enemies who have resided for many years in Canada, on it being shown that they are clearly in sympathy with the United Kingdom and its Allies in the present War and that they have no pro-German or other enemy affiliations or connexions;

And whereas by section 20 of the Naturalization Act, 1914, three months' notice of applications under that Act must be given;

And whereas many aliens within the provisions of the said Order in Council have taken what they considered to be effective proceedings for naturalization under former Naturalization Acts, while others took oaths which they were advised were sufficient for the purpose of obtaining British nationality;

And whereas section 2 (5) of the said Act provides that the Secretary of State of Canada may in any special case, if he thinks fit, grant a naturalization certificate, although the four years' residence or five years' service has not been within the last eight years before the application;

And whereas applications have been made by persons in the service of the Dominion of Canada, and with respect to each of the above classes of applicants for naturalization the period of notice creates difficulties, and it is considered that such applicants should be relieved therefrom;

\* Enclosure in No. 171.



Therefore His Excellency the Governor-General in Council, on the recommendation of the Secretary of State, and under the provisions of section 6 of the War Measures Act, 1914, is pleased to order, and it is hereby ordered as follows:—

1. Persons coming within the provisions of the Order in Council of 13th September, 1917, P.C. 2552, above referred to, shall not be required to give notice of the application as required by section 20 of the Naturalization Act, 1914, but on such application coming before the judge of the court having jurisdiction in naturalization cases, the judge shall report upon the length of time that the applicant has resided in Canada, and that he finds the applicant to be clearly in sympathy with the United Kingdom and its Allies in the present War, and that he has no pro-German or other alien enemy affiliations or connexions.

2. Where an application is made by a person coming within the provisions of section 2 (5) of the Naturalization Act, 1914, such application may be made directly to the Secretary of State of Canada, and the report of the judge, as required by section 19 of the said Act, shall not be required, and the notice provided by section 20 of the said Act need not be given.

RODOLPHE BOUDREAU,  
Clerk of the Privy Council.

55385

No. 175.

COLONIAL OFFICE to HOME OFFICE.

[Answered by No. 176.]

SIR,

Downing Street, 23rd November, 1917.

I AM directed by Mr. Secretary Long to request you to inform Secretary Sir George Cave that the manifesto issued on the 19th of October by Sir Robert Borden declaring the policy of the new Union Government of Canada included the following paragraph:—

"The extension of the franchise to women, with suitable provisions for enabling married women to determine their nationality and to obtain nationalization notwithstanding marriage."

I am, &c.,  
HENRY LAMBERT.

60045

No. 176.

HOME OFFICE to COLONIAL OFFICE.

(Received 7th December, 1917.)

SIR,

Home Office, Whitehall, 6th December, 1917.

I AM directed by Secretary Sir George Cave to thank you for your letter of the 23rd November,\* with reference to Sir Robert Borden's manifesto to the effect that the proposed extension of the franchise to women will include "suitable provisions for enabling married women to determine their nationality and to obtain naturalization, notwithstanding marriage," and to say for the consideration of Mr. Secretary Long that, in Sir George Cave's opinion, before such a change in the law of nationality as that suggested is made in any part of the Empire it would be well, if possible, to secure that it is discussed with the Governments of other parts. I am to suggest that if Mr. Long concurs he should cause a close watch to be kept on the matter and appropriate steps to be taken if occasion arises.

I am, &c.,  
JOHN PEDDER.

\* No. 175.

53797

No. 177.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 609.)

MY LORD DUKE,

Downing Street, 7th December, 1917.

I HAVE the honour to acknowledge the receipt of Your Excellency's despatches, No. 668 of the 15th September, and No. 761 of the 25th October,\* transmitting copies of Orders in Council (P.C. 2552 and P.C. 2948) concerning the issue of naturalization certificates under the Naturalization Act, 1914, to persons of enemy alien birth.

2. It is noted that these Orders contemplate the grant of the privilege of naturalization only in cases where the grantees have resided for many years in Canada and it is shown that they are clearly in sympathy with the United Kingdom and its Allies during the present War and that they have no pro-German or other alien enemy affiliations or connexions. It is assumed that when these special cases have been disposed of the Canadian Government will feel no difficulty in accepting the general principles indicated in appendix III. to the memorandum† submitted to the Imperial War Conference in regard to the naturalization of subjects of enemy Powers for a period after the termination of the War.

I have, &c.,  
WALTER H. LONG.

63900

No. 178.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 31st December, 1917.)

[Answered by No. 188.]

(No. 973.)

SIR,

Governor-General's Office, Pretoria, 22nd November, 1917.

I HAVE the honour to transmit to you herewith, with reference to your despatch Dominions No. 596, of the 13th September,‡ a copy of a minute from Ministers, dated 21st November, on the subject of the revised draft Bill to amend the British Nationality and Status of Aliens Act, 1914.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 178.

MINUTE 1783.

Prime Minister's Office, Pretoria, 21st November, 1917.

WITH reference to His Excellency the Governor-General's minute No. 16/77, dated 31st October, 1917, on the subject of a Bill to amend the British Nationality and Status of Aliens Act, 1914, Ministers have the honour to state that there is no objection to the terms of this amending Bill as far as the Union Government is concerned.

F. S. MALAN.

\* Nos. 171 and 174.

† Printed on pages 151-156 of [Cd. 8566].

‡ No. 170.



No. 179.

## NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9th January, 1918.)

[Answered by No. 187.]

(No. 299.)

SIR,

I HAVE the honour to transmit to you the accompanying copies of Act No. 8 intituled "Revocation of Naturalization Act, 1917," recently passed by the Parliament of New Zealand.

Government House,  
Wellington, New Zealand, 20th November, 1917.

I have, &c.,  
LIVERPOOL,  
Governor-General.

Enclosure in No. 179.

NEW ZEALAND.

1917, No. 8.

## AN ACT TO EMPOWER THE GOVERNOR-GENERAL IN COUNCIL TO REVOKE THE NATURALIZATION OF PERSONS NATURALIZED IN NEW ZEALAND.

15th September, 1917.

BE it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title,  
Application  
of Act.

1. This Act may be cited as the Revocation of Naturalization Act, 1917.  
2. In this Act the term "naturalized British subject" means a British subject naturalized in New Zealand by virtue of:—

Revocation of  
naturaliza-  
tion.

(a) The issue to him or her of letters of naturalization in New Zealand; or  
(b) The endorsement, pursuant to section seven of the Aliens Act, 1908, or the corresponding provisions of any former Act, of any certificate or letters of naturalization obtained by him or her in the United Kingdom or in any British possession; or  
(c) The naturalization in New Zealand of his or her father or mother; or  
(d) In the case of a woman, her marriage to a British subject.

3. (1) If the Governor-General in Council is satisfied with respect to any naturalized British subject that it is expedient for the welfare or defence of the realm, or the peace and good government of New Zealand, or otherwise on grounds of public policy, that the naturalization of that person should be revoked, he may, by Order in Council, declare that the naturalization of the said person shall be revoked, and that the said person shall cease to be a British subject naturalized in New Zealand as from a date to be specified in that Order in Council, and every such Order shall have effect according to its tenor.

(2) Unless otherwise expressly provided therein, an Order in Council revoking the naturalization of any person shall not affect the nationality of the wife or of any child of that person.

(3) Any Order in Council revoking the naturalization of any person under this Act may be in like manner annulled or revoked.

60045

No. 180.

## CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL

[Answered by No. 182.]

(No. 45.)

MY LORD DUKE,

Downing Street, 29th January, 1918.

I HAVE the honour to request Your Excellency to inform your Ministers that the following paragraph in Sir R. Borden's statement of policy has attracted notice:—

"The extension of the franchise to women, with suitable provisions for enabling married women to determine their nationality and to obtain naturalization notwithstanding marriage."

His Majesty's Government would be glad to have an early intimation of the exact scope of any legislation which may be contemplated on this subject.

I have, &amp;c.,

WALTER H. LONG.

12310

No. 181.

## NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th March, 1918.)

[Answered by No. 188.]

(No. 1.)

SIR,

Government House, Wellington, 10th January, 1918.

I HAVE the honour to inform you that I duly referred to my Ministers your despatch Dominions No. 596, of the 13th of September, 1917,\* enclosing copies of a revised draft of the Bill to amend the British Nationality and Status of Aliens Act, 1914.

2. The Prime Minister informs me that the draft Bill has received the consideration of himself and his colleagues, and that they have no representations to make with respect to its terms.

3. They desire me, however, to invite reference to my telegram of the 9th of November† replying to your despatch Dominions No. 308, of the 18th May last,‡ in which mention was made of legislation that has been passed in New Zealand providing for the revocation of letters of naturalization, and in which it was stated that, unless His Majesty's Government expresses a wish to the contrary, my Ministers prefer not to submit to Parliament further proposals upon the subject of naturalization and of nationality until peace is declared.

I have, &amp;c.,

LIVERPOOL,  
Governor-General.

15595

No. 182.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30th March, 1918.)

(No. 184.)

SIR,

Government House, Ottawa, 26th February, 1918.

WITH reference to your despatch No. 45, of the 29th January,§ on the subject of a statement made by Sir Robert Borden with regard to the extension of the franchise to women, I have the honour to enclose, herewith, for your information, a copy of a memorandum from the Prime Minister, together with extracts|| from his remarks in the House of Commons on the 10th September last in the debate upon the War Time Elections Act.

The Prime Minister hopes that these documents will sufficiently explain the proposal to His Majesty's Government.

I have, &amp;c.,

DEVONSHIRE.

\* No. 170.

† No. 173.

‡ No. 167.

§ No. 180.

|| Not printed.



Enclosure in No 182.

## MEMORANDUM.

WITH reference to the attached despatch of 29th January, 1918 (No. 45), from the Colonial Secretary:—

1. There are transmitted herewith pages from Hansard containing the Prime Minister's speech of 10th September, 1917, on the War-time Elections Act. The remarks concerning the present question appeared on pages 5578-79.

2. The proposal is briefly that the naturalization laws should be amended in order to provide—

(a) That a woman should be enabled herself to obtain a British naturalization certificate, notwithstanding her marriage; that is, that her citizenship would not automatically arise from her husband's; and

(b) That a married woman should be enabled to retain her Canadian citizenship should she so desire, notwithstanding her marriage to an alien or her husband's becoming an alien.

3. It is thought that the object in view, so far as the franchise is concerned, can be achieved for the present simply by means of appropriate sections in the franchise law without disturbing the naturalization law, which can be left for amendment later, after consultation with His Majesty's Government and the Governments of the other Dominions.

Ottawa,

20th February, 1918.

15599

No. 183.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 30th March, 1918.)

[Answered by Nos. 185 and 188.]

(No. 188.)

SIR,

Government House, Ottawa, 27th February, 1918.

WITH reference to your despatch Dominions No. 596, of the 13th September, 1917,\* transmitting copy of a revised draft of the Bill to amend the "British Nationality and Status of Aliens Act, 1914," my Ministers represent that the Minister of Justice suggests that the provisions of subsection 3 of section 7 with regard to inquiry appear to be somewhat cumbrous, and it would, in his view, be more convenient in this country to take power to refer to a judge of a Superior Court for inquiry and report.

My Ministers desire to ascertain whether His Majesty's Government would not consider the propriety of amending this subsection so as to provide that the inquiry shall be conducted by a judge of a Superior Court, to whom any question arising for inquiry under the section may be referred by the Secretary of State. They point out that, in the opinion of the Minister of Justice, the procedure herein suggested would be more speedy, convenient, and inexpensive than that involved in the naming of a judicial officer and a committee.

I have, &c.,  
DEVONSHIRE.

16557

No. 184.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 5th April, 1918.)

(No. 229.)

SIR,

Government House, Ottawa, 14th March, 1918.

I HAVE the honour to forward, herewith, for your information, a copy of an Order in Council, dated 9th March, 1918, on the subject of the War Measures Act,

\* No. 170.

1914. Regulation respecting nationality of women of alien enemy nationality married to a British subject since outbreak of War.

I have, &c.,  
DEVONSHIRE.

Enclosure in No. 184.

(P.C. 570.)

AT THE GOVERNMENT HOUSE AT OTTAWA, SATURDAY, THE 9TH DAY OF MARCH, 1918.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

HIS Excellency the Governor-General in Council, on the recommendation of the Minister of Justice, and under the powers conferred on the Governor in Council by the War Measures Act, 1914, is pleased to sanction, and doth hereby sanction, the following:—

## Regulation.

A woman who was of alien enemy nationality shall not by reason of her marriage with a British subject at any time after the fourth day of August, 1914, be deemed during the period of the War to have lost her alien enemy nationality or to have become a British subject, and any such woman shall during the War be subject to be interned or otherwise dealt with as an alien enemy in the manner by law provided in respect to alien enemies.

RODOLPHE FOUDREAU,  
Clerk of the Privy Council.

16766

No. 185.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.20 p.m., 19th April, 1918.)

TELEGRAM.

[Answered by No. 190.]

19TH APRIL. Your despatch 27th of February, No. 188,\* Naturalization Bill. Proposed amendment receiving consideration. His Majesty's Government assume that your Ministers concur otherwise in principle of proposed Bill, which will be introduced at earliest Parliamentary opportunity.—LONG.

1243

No. 186.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

SIR,

Downing Street, 24th April, 1918.

I HAVE the honour to request Your Excellency to inform your Ministers that I have had under consideration the terms of the Australian Naturalization Act, No. 25 of 1917, of which a copy was forwarded in your despatch No. 343, of the 29th September last.†

2. I observe that this Act deals, *inter alia*, with the question of the revocation of certificates of naturalization and also with the question of the status of the wife and children of persons whose naturalization is cancelled. These are questions which, as your Ministers will be aware, are dealt with in the draft Bill to amend the "British Nationality and Status of Aliens Act, 1914," which was laid before the Imperial War Conference last year, and His Majesty's Government had originally

\* No. 183. † 57682: not printed. This enclosed the Act in question with other Acts.



contemplated that, with a view to securing uniform treatment of these matters throughout the Empire, they would be dealt with in the Dominions by the adoption of the Imperial legislation on the subject.

3. Although His Majesty's Government have, of course, no wish to object to your Government making such provision as they may think necessary with regard to the revocation of certificates of local naturalization, it is feared that, despite the efforts made at the last two Imperial Conferences to secure uniformity of policy and action throughout the Empire on the question of naturalization generally, there still exists considerable tendency to divergence. It is noted, for instance, that under the recent Australian Act local naturalization is made revocable at the will of the Executive; whereas the proposed Imperial legislation enables the Secretary of State to revoke a certificate only after inquiry by a quasi-judicial body. Moreover, although the provisions in the Australian Act with regard to the national status of the wife of a naturalized British subject substantially agree with what is proposed in the Imperial Bill, it has been argued that until this Bill becomes law they may be held to be inconsistent with section 10 of the Imperial Act of 1914, and are not, in fact, valid. Though this point is one which may never be raised, it might, of course, at any time come up in a court of law, which could alone decide it.

4. I understand that the Australian legislation in question is, in substance, regarded as a war-time measure, and that your Ministers will consider the general question afresh after the conclusion of peace. I trust that your Ministers will then see their way to adopt Part II. of the Act of 1914, with the amendments now in contemplation. Should they, however, find difficulty in doing this, it has occurred to me that it would be advisable that the question should be discussed by a special conference of expert advisers, with a view to securing as much uniformity in legislation on the subject as may be possible. Experience has, I think, shown that a technical question of this kind can be more satisfactorily dealt with by such a conference than at an ordinary meeting of the Imperial Conference.

5. I should be glad to learn the views of your Ministers on this proposal.

I have, &c.,

WALTER H. LONG.

1243

No. 187.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Secret.)

MY LORD,

Downing Street, 24th April, 1918.

I HAVE the honour to request Your Excellency to inform your Ministers that I have had under consideration the terms of the New Zealand "Revocation of Naturalization Act," No. 8 of 1917, of which a copy was forwarded in your despatch No. 299, of the 20th November last.\*

2. This Act deals with the question of the revocation of certificates of naturalization, and, *inter alia*, with the question of the status of the wife and children of persons whose naturalization is cancelled. These are questions which, as your Ministers will be aware, are dealt with in the draft Bill to amend the "British Nationality and Status of Aliens Act, 1914," which was laid before the Imperial War Conference last year, and His Majesty's Government had originally contemplated that, with a view to securing uniform treatment of these matters throughout the Empire, they would be dealt with in the Dominions by the adoption of the Imperial legislation on the subject.

3. Although His Majesty's Government have, of course, no wish to object to your Government making such provision as they may think necessary with regard to the revocation of certificates of local naturalization, it is feared that, despite the efforts made at the last two Imperial Conferences to secure uniformity of policy and action throughout the Empire on the question of naturalization generally, there still exists considerable tendency to divergence. It is noted, for instance, that under the recent New Zealand Act local naturalization is made revocable at the will of the Executive; whereas the proposed Imperial legislation enables the Secretary of

\* No. 179.

State to revoke a certificate only after inquiry by a quasi-judicial body. Moreover, although the provisions in the New Zealand Act with regard to the national status of the wife of a naturalized British subject substantially agree with what is proposed in the Imperial Bill, it has been argued that until this Bill becomes law they may be held to be inconsistent with section 10 of the Imperial Act of 1914, and are not, in fact, valid. Though this point is one which may never be raised, it might, of course, at any time come up in a court of law, which could alone decide it. Similar considerations arise with regard to section 2 (1) (d) of the New Zealand Act, which, when read with section 3, enables the Executive to cancel the British nationality which a woman of foreign origin may have acquired by marriage to a natural-born British subject.

4. I understand that the New Zealand legislation in question is in substance regarded as a war-time measure, and I gather from your telegram of the 9th November, 1917,\* that your Ministers will consider the general question afresh after the conclusion of peace. I trust that your Ministers will then see their way to adopt Part II. of the Act of 1914, with the amendments now in contemplation. Should they, however, find difficulty in doing this, it has occurred to me that it would be advisable that the question should be discussed by a special conference of expert advisers, with a view to securing as much uniformity in legislation on the subject as may be possible. Experience has, I think, shown that a technical question of this kind can be more satisfactorily dealt with by such a conference than at an ordinary meeting of the Imperial Conference.

5. I should be glad to learn the views of your Ministers on this proposal.

I have, &c.,

WALTER H. LONG.

26939

No. 188.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

Sent 7.15 p.m., 31st May, 1918.)

TELEGRAM.

[Answered by No. 190.]

- (1) Canada.)
- (2) Commonwealth of Australia.)
- (3) New Zealand.)
- (4) Union of South Africa.)
- (5) Newfoundland.)

[To (1) and (5): 31st May.] [To (1) only: Referring to your despatch of 27th February, No. 188,†] [To (2) only: Referring to my despatch of 18th May, 1917, Dominions No. 308,‡ and subsequent correspondence,] [To (3) only: Referring to your despatch of 10th January, No. 1,§] [To (4) only: Referring to your despatch of 22nd November, No. 973,||] [To (5) only: Referring to your telegram of 27th July,¶] To all: Bill as now been introduced into Parliament. Following proviso has been added to first paragraph of subsection 3 of substituted section 7 of Naturalization Act, 1914:

*Begins.*—Provided that any such inquiry may, if the Secretary of State thinks fit, instead of being held as aforesaid, be referred to the High Court for consideration and report, and the practice and procedure of any inquiry so referred shall be regulated by rules of Court.—*Ends.*

[To (1) only: It is hoped that foregoing proviso will meet wishes of Canadian Government.]

[To (2), (3), (4), and (5): Above proviso has been inserted in accordance with suggestion received from Government of Canada.]—LONG.

\* No. 173. † No. 183. ‡ No. 167. § No. 181. || No. 178. ¶ No. 168.



26939

No. 189.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 333.)

Downing Street,

13th June, 1918.

[MY LORD DUKE,] [SIR,] [MY LORD,]

WITH reference to my telegram of the 31st of May,\* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the Bill to amend the British Nationality and Status of Aliens Act, 1914, as introduced into the Imperial Parliament.

I have, &amp;c.,

WALTER H. LONG.

34074

No. 190.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th July, 1918.)

(No. 558.)

SIR,

Government House, Ottawa, 22nd June, 1918.

WITH reference to your telegrams of the 19th April and 31st May last,† with regard to the Naturalization Bill now before the Imperial Parliament, I have the honour to inform you that the Canadian Government acquiesces in the principle of this Bill, and is satisfied that it should be enacted, subject to the amendment which they suggested.

I have, &amp;c.,

DEVONSHIRE.

40001

No. 191.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 567.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 10th October, 1918.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of an Act of the Imperial Parliament, 8 and 9 George V., chapter 38, entitled The British Nationality and Status of Aliens Act, 1918, together with copies of the official report‡ of the proceedings in the House of Commons and the House of Lords in connexion with the Bill for this Act.

I have, &amp;c.,

WALTER H. LONG.

*Secretariat Note.*—For subsequent correspondence as to Naturalization see under Resolutions XIX. and XX. of the Imperial War Conference, 1918 (page 239).

\* No. 188.

† Nos. 185 and 188. ‡ House of Commons Debates, Volume 108, Nos. 78, 81, 82, and 83; Volume 109 No. 95; House of Lords Debates, Volume 30, No. 57; and Volume 31, Nos. 62 and 63.

## RESOLUTION XIII.: IMPERIAL MINERAL RESOURCES BUREAU.

That it is desirable to establish in London an Imperial Mineral Resources Bureau, upon which should be represented Great Britain, the Dominions, India, and other parts of the Empire.

The Bureau should be charged with the duties of collection of information from the appropriate Departments of the Governments concerned and other sources regarding the mineral resources and the metal requirements of the Empire, and of advising from time to time what action, if any, may appear desirable to enable such resources to be developed and made available to meet the metal requirements of the Empire.

That the Conference recommends that His Majesty's Government should, while having due regard to existing institutions, take immediate action for the purpose of establishing such a Bureau, and should as soon as possible submit a scheme for the consideration of the other Governments summoned to the Conference.

35273

No. 192.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 529. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 17th August, 1917.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of the discussions\* at the Imperial War Conference respecting the development and control of the Empire's mineral resources, together with copies of the memoranda on the subject which were laid before the Conference.

2. [To Commonwealth of Australia only: Your Government will be aware, from my telegram of the 4th May,†] [To all except Commonwealth of Australia: Your Prime Minister will be aware] that it was decided to appoint a committee to prepare a scheme for the constitution of the Imperial Mineral Resources Bureau referred to in the resolution passed by the Imperial War Conference. This committee has now been at work for some time, and it is expected that its report will be presented very shortly.

I have, &amp;c.,

WALTER H. LONG.

48866

No. 193.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada. (Commonwealth of Australia. (New Zealand. (Union of South Africa. (Newfoundland.	} Dominions No. 646. Confidential.)

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 8th October, 1917.

WITH reference to my despatch Dominions No. 529, Confidential, of the 17th August,‡ I have the honour to transmit to [Your Excellency,] [you,] to be

\* Pages 123-131, 150-173, 275-281, 297-299, 300-303 of Dominions No. 62.

† 21291: not printed. This invited the Commonwealth Government to nominate a representative on the Committee. ‡ No. 192.



laid before your Ministers, copies of the report\* of the Imperial Mineral Resources Bureau Committee.

2. This report is now under the consideration of His Majesty's Government, and I shall be glad to receive your Ministers' observations with regard to it. I have, &c.,

WALTER H. LONG.

53908

No. 194.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Sent 1.40 p.m., 21st November, 1917.)

TELEGRAM.

[Answered by Nos. 195, 196, 197, 198, and 199.]

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

21ST NOVEMBER. My despatch 8th October, Dominions No. 646, Confidential.† Should be glad if your Ministers would reply by telegraph, and if they agree to scheme nominate representative forthwith.—LONG.

58189

No. 195.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.20 p.m., 26th November, 1917.)

TELEGRAM.

YOUR telegram of 21st November.‡ Government of Commonwealth of Australia nominates W. S. Robinson as its representative, Mineral Resources Bureau.—FERGUSON.

58351

No. 196.

NEWFOUNDLAND.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 6.12 p.m., 27th November, 1917.)

TELEGRAM.

27TH NOVEMBER. Your telegram 21st November, and your despatch 8th October, Dominions 646, Confidential.§ My Ministers agree to scheme and nominate Sir Edward Morris as representative of Newfoundland.—HORWOOD.

\* Not reprinted. † No. 193. ‡ No. 194. § Nos. 194 and 193.

60093

No. 197.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.25 p.m., 6th December, 1917.)

TELEGRAM.

6TH DECEMBER. Your telegram of 21st November,\* Imperial Mineral Resources Bureau. Ministers state that scheme has their approval, and they recommend appointment of Schreiner to represent Union on governing body.—BUXTON.

4195

No. 198.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.50 a.m., 24th January, 1918.)

TELEGRAM.

YOUR telegram of 21st November and your despatch of 8th October, Dominions 646, Confidential.† My Government nominate Thomas Hutchinson Hamer, of the Office of the High Commissioner for New Zealand, to represent New Zealand on the Mineral Resources Committee.—LIVERPOOL.

13395

No. 199.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.0 p.m., 15th March, 1918.)

TELEGRAM.

[Answered by Nos. 200 and 201.]

15TH MARCH. Your telegram of 5th March‡ and your telegram of 5th February.§ Government of Canada approves of formation of Imperial Pureau Mineral Resources to be located in London, and will send Doctor Willett G. Miller, Toronto, to act as Canada's representative on advisory body. Please advise date he should arrive England.—DEVONSHIRE.

16770

No. 200.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.10 p.m., 10th April, 1918.)

TELEGRAM.

10TH APRIL. Referring to your telegram of 15th March,|| Mineral Resources Bureau, Miller should arrive United Kingdom by end of first week May.—LONG.

\* No. 194.

† Nos. 194 and 193.

‡ 4981: reminder, not printed.

§ 58189: reminder, not printed.

|| No. 199.



16770

No. 201.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.15 p.m., 19th April, 1918.)

TELEGRAM.

19TH APRIL. Urgent. Referring to my telegram of 10th April,\* now thought unlikely that Mineral Resources Bureau will be in effective operation before end May. Suggest Miller should postpone departure till preparations more nearly complete. Will telegraph again as soon as possible.—LONG.

27040

No. 202.

CANADA.

THE HIGH COMMISSIONER to COLONIAL OFFICE.

(Received 4th June, 1918.)

SIR, 19, Victoria Street, London, S.W.1, 3rd June, 1918.

I BEG to transmit, herewith, for the information of Mr. Secretary Long, copy of an approved minute of the Treasury Board of Canada, relative to the appointment of Dr. Willet G. Miller as representative of the Dominion of Canada on the Advisory Body of the Imperial Mineral Resources Bureau.

Dr. Miller has now arrived in this country, and his address is c/o this office.

I am, &amp;c.,

W. L. GRIFFITH.

Enclosure in No. 202.

(93-768.)

CERTIFIED EXTRACT FROM THE MINUTES OF A MEETING OF THE TREASURY BOARD, HELD ON THE 22ND MARCH, 1918, APPROVED BY HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL, ON THE 5TH APRIL, 1918.

*Mines.*—The Board recommend that Dr. Willet G. Miller, Provincial Geologist of Ontario, be authorized to act as the representative of the Dominion of Canada on the Advisory Body of the Imperial Mineral Resources Bureau, in London, England, and that he be paid all necessary transportation expenses, and also a per diem living allowance of \$15 while engaged on this work, the duration of which will probably not exceed six months, chargeable to the appropriation, Civil Government Contingencies, of the Department of Mines.

ROLDOLPHE BOUDREAU,

Clerk of the Privy Council.

The Honourable  
The Minister of Mines.

37311

No. 203.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd August, 1918.)

(Confidential.)

SIR, Government House, Wellington, 5th June, 1918.

I HAVE the honour to inform you that I duly laid before my Ministers your Confidential despatch Dominions No. 529, of the 17th of August,† forwarding copies

\* No. 200.

† No. 192.

of the discussions at the Imperial War Conference respecting the development and control of Mineral Resources of the Empire.

2. I am advised by my Ministers to reply that the Government will be very pleased to furnish any information regarding New Zealand minerals which His Majesty's Government may require.

I have, &amp;c.,

LIVERPOOL,

Governor-General.

*Secretariat Note.*—Further discussion as to the Imperial Mineral Resources Bureau took place at the Imperial War Conference, 1918, and another Resolution No. XVI.) was passed (see page 235). See the discussion printed on pages 87-92, 115-123, and 167-168 of [Cd. 9177], and page 194 of Dominions No. 69.



# RESOLUTION XIV.: PRODUCTION OF NAVAL AND MILITARY MATERIAL, MUNITIONS, AND SUPPLIES.

That this Conference, in view of the experience of the present War, calls attention to the importance of developing an adequate capacity of production of naval and military material, munitions, and supplies in all important parts of the Empire (including the countries bordering on the Pacific and Indian Oceans) where such facilities do not presently exist and affirms the importance of close co-operation between India, the Dominions, and the United Kingdom with this object in view.

*Secretariat Note.*—The correspondence arising out of this Resolution is printed with other correspondence as to Military and Naval Defence in Dominions No. 72.

# RESOLUTION XV.: DOUBLE INCOME TAX.

The present system of Double Income Taxation within the Empire calls for review in relation—

- (i) to firms in the United Kingdom doing business with the Oversea Dominions, India, and the Colonies,
- (ii) to private individuals resident in the United Kingdom who have capital invested elsewhere in the Empire, or who depend upon remittances from elsewhere within the Empire, and
- (iii) to its influence on the investment of capital in the United Kingdom, the Dominions, and India, and to the effect of any change on the position of British capital invested abroad.

The Conference, therefore, urges that this matter should be taken in hand immediately after the conclusion of the War, and that an amendment of the law should be made which will remedy the present unsatisfactory position.

*Secretariat Note.*—The question was further discussed at the Imperial War Conference, 1918 (see pages 73-80 of [Cd. 9177]), but no correspondence with the Dominion Governments took place until 1919.



# RESOLUTION XVI.: DEVELOPMENT AND CONTROL OF NATURAL RESOURCES.

Having regard to the experience obtained in the present War, this Conference records its opinion that the safety of the Empire and the necessary development of its component parts require prompt and attentive consideration as well as concerted action with regard to the following matters:—

- (1) The production of an adequate food supply and arrangements for its transportation when and where required, under any conditions that may reasonably be anticipated.
- (2) The control of natural resources available within the Empire especially those that are of an essential character for necessary national purposes, whether in peace or in war.
- (3) The economical utilization of such natural resources through processes of manufacture carried on within the Empire.

The Conference commends to the consideration of the Governments summoned thereto the enactment of such legislation as may assist this purpose.

*Secretariat Note.*—There was no direct correspondence with the Dominion Governments regarding this Resolution.

# RESOLUTION XVII.: CONTROL OF IMPORTS AFTER THE WAR FROM PRESENT ENEMY COUNTRIES.

The Imperial War Conference consider it desirable, with a view to prevent dumping or any other mode of unfair competition from present enemy countries during the transition period after the War, that the several Governments of the Empire, while reserving to themselves freedom of action in any particular respect, take power to control the importation of goods originating in such countries into the Empire for a period of twelve months after the War.

43300

No. 204.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.)	} Dominions No. 672. Confidential.)
(Commonwealth of Australia)	
(New Zealand.)	
(Union of South Africa.)	
(Newfoundland.)	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 17th October, 1917.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, revised copies of the proceedings\* of the Imperial War Conference in connexion with the policy to be pursued after the War as regards the control of imports from present enemy countries. The Resolution of the Conference (No. XVII.) is published on page 112 of [Cd. 8566].

2. The question of the introduction into Parliament of the draft Bill which was laid before the Conference (pages 263-4 of the Proceedings) is still under consideration.

I have, &c.,  
WALTER H. LONG.

55643

No. 205.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND ACTING GOVERNOR.

(Sent 2.0 p.m., 10th November, 1917.)

TELEGRAM.

[Answered by Nos. 206 and 209.]

(Canada.)
(Commonwealth of Australia.)
(New Zealand.)
(Union of South Africa.)
(Newfoundland.)

(Paraphrase.)

CONFIDENTIAL. Your Ministers are aware that question was discussed at Imperial War Conference of legislation for general control of imports and exports for a period after the War. Discussion was inconclusive, however, and only resolutions ultimately passed bearing on subject were Resolution XVII., on question of prevention of dumping from present enemy countries, and Resolutions XVIII., XIX., and XX., with reference to control of specific commodities. His Majesty's Government have, however, been convinced by subsequent developments

\* See pages 93-111, 114-115, 227-229, 257-264 of Dominions No. 62.



that, without legislation on lines proposed by them at the Conference, interests of Empire and Allies in respect of essential requirements cannot be safeguarded during the abnormal conditions of reconstruction period. Bill on page 263-4 of Confidential print of Conference Proceedings\* has therefore been approved, and notice of presentation given for 12th November. His Majesty's Government earnestly hope that Dominion Governments will co-operate by arranging in due course to legislate on similar lines.—LONG.

57647

No. 206.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.50 p.m., 22nd November, 1917.)

TELEGRAM.

(Paraphrase.)

WITH reference to your telegram of 10th November,† my Government will co-operate with His Majesty's Government with pleasure in connexion with action proposed to be taken with regard to Bill on page 263 and 264 Confidential Conference Proceedings, and will also be prepared at the (?) next favourable opportunity to introduce legislation similar to that contained in such Bill.—LIVERPOOL.

56476

No. 207.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND ACTING GOVERNOR.

(Sent 6.50 p.m., 23rd November, 1917.)

TELEGRAM.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

My telegram 10th November.† Certain alterations from previous form have been made in Imports and Exports (Temporary Control) Bill now before Parliament, most important of which is limitation of duration of legislation to three years after end of War. Copies of Bill being despatched to you.—LONG.

56476

No. 208.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND ACTING GOVERNOR.

(Canada.)

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

Dominions No. 764.)

[MY LORD DUKE.] [SIR.] [MY LORD.] Downing Street, 28th November, 1917.

WITH reference to previous correspondence, I have the honour to transmit to [Your Excellency.] [you,] for the information of your Ministers, copies of the Imports and Exports (Temporary Control) Bill in the form in which it has been presented to Parliament

I have, &amp;c.,

WALTER H. LONG.

\* Dominions No. 62.

† No. 205.

5844

No. 209.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st February, 1918.)

(Confidential.)

Governor-General's Office, Pretoria,

31st December, 1917.

SIR,

I HAVE the honour to transmit to you herewith, with reference to your telegrams of the 10th November, Confidential, and 23rd November,\* a copy of a minute from Ministers on the subject of the Imports and Exports Temporary Control Bill.

I have, &amp;c.,

BUXTON,

Governor-General.

Enclosure in No. 209.

(1920.)

Prime Minister's Office, Pretoria,

13th December, 1917.

WITH reference to the telegrams of the Secretary of State, dated 10th November, Confidential, and 23rd November, regarding the Imports and Exports Temporary Control Bill, Ministers have the honour to inform His Excellency the Governor-General that under the Public Welfare and Moratorium Act, 1914 (as amended by the Act of 1917), the Government has full powers to prohibit, regulate, or restrict import and export of any classes of goods during the continuance of the War. The Act does not give powers of prohibition of any goods on the basis of "origin" or "destination," nor beyond the period of the War.

Ministers have the honour to inform His Excellency that legislation on the lines suggested dealing with the particular points referred to will be considered by the Government in due course.

F. S. MALAN.

11615

No. 210.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.15 p.m., 6th March, 1918.)

[Answered by Nos. 211 and 212.]

TELEGRAM.

(Paraphrase.)

YOUR despatch Dominions 764, of 28th November.† Union Government have grave doubts about this Bill, which I should like to dissipate. Should be glad, therefore, if you would let me know as early as possible—

(1) Whether the Bill has been enacted in England, and, if so, whether any substantial amendments were made by Parliament?

(2) What is attitude of other Dominions, and action, if any, they have taken in regard to proposed legislation?

(3) Whether our Allies have taken or intend to take similar powers.—BUXTON.

\* Nos. 205 and 207.

† No. 208.



11615

No. 211.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.40 p.m., 12th March, 1918.)

TELEGRAM.

(Paraphrase.)

REFERRING to your telegram 6th March,\* Imports and Exports Bill not passed yet. Government of New Zealand have undertaken to introduce similar legislation at next favourable opportunity, and co-operate with His Majesty's Government in proposed action. Other Dominions have not replied; as regards Allies will reply later.—LONG.

*Secretariat Note.*—With reference to the last words of the above telegram, the information referred to was not supplied, as before the necessary particulars had been obtained, the situation had altered (see the discussions at the Imperial War Conference, 1918).

1615

No. 212.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.45 p.m., 12th March, 1918.)

TELEGRAM.

[Answered by No. 213.]

(Paraphrase.)

CONFIDENTIAL. Imports and Exports Bill. Referring to your telegram of the 6th March,\* and my reply of to-day,† before discussion initiated in Union Parliament, it would probably be better that Imperial legislation should be passed. Last part of my telegram of 26th February, Confidential,‡ Commercial Treaties, bears on this matter, as you will have realized.—LONG.

13047

No. 213.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.58 p.m., 13th March, 1918.)

TELEGRAM.

[Answered by No. 214.]

(Paraphrase.)

CONFIDENTIAL. Imports and Exports Control Bill. Your telegram 12th March.§ Unlikely that Union Parliament will sit much after the middle of April, and though next session may possibly begin in November, it will more probably be postponed till January. If Bill is to be introduced this session it must almost immediately be introduced. Ministers would, I know, be relieved if they knew they might leave over till next session consideration of Bill.—BUXTON.

\* No. 210.

† No. 211.

‡ No. 81.

§ No. 212.

13883

No. 214.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.0 p.m., 21st March, 1918.)

TELEGRAM.

CONFIDENTIAL. Referring to your telegram of 13th March,\* not proposed to reintroduce Bill in Imperial Parliament until after Easter, and no objection to desired delay in consideration of similar legislation by Government of Union of South Africa.—LONG.

20143

No. 215.

NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 30th March, 1918.)

(Extract.)  
(Secret.)

Government House, St. John's,  
Newfoundland, 26th February, 1918.

\* \* \* \* \*  
My Ministers . . . . . have arranged that the Imports and Exports (Temporary Control) Bill, forwarded in your despatch Dominions No. 764, of the 28th November,† should be placed in the hands of the Minister of Justice for any action required.

\* \* \* \* \*  
I have, &c.,  
C. ALEXANDER HARRIS.

*Secretariat Note.*—Legislation was subsequently passed (8-9 George V., chapter XXX.).

28616

No. 216.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th June, 1918.)

(Extract.)  
(Secret.)

4th April, 1918.

\* \* \* \* \*  
"THE Government of New Zealand are prepared to submit a Bill to the House of Representatives during the present year, to control the volume, direction, and priority of exports and imports after the War, upon lines similar to those set forth in the Bill to bring in the Imports and Exports (Temporary Control) Bill, 1917, which accompanied your despatch Dominions No. 764, of the 28th November, 1917.†

*Secretariat Note.*—A Bill to provide for the temporary control of exports and imports (No. 16 of 1918) was introduced in the Canadian House of Commons, and read for the first time on 21st March, 1918, but was not proceeded with. No legislation on the subject was passed in Australia, New Zealand, and the Union of South Africa in 1918. Further discussion as to the policy involved took place at the Imperial War Conference, 1918 (see pages 30-31, 45-6, and 53-8, of Dominions No. 69). Ultimately it was decided not to reintroduce the Imports and Exports (Temporary Control) Bill into the Imperial Parliament.

\* No. 213.

† No. 208.



**RESOLUTION XVIII.: CONTROL OF WOOL SUPPLIES.**

It is desirable that there should be immediate consultation among such of the Governments of the Empire as are concerned with Wool Production for the purpose of framing a scheme for the control, as far as possible, of wool produced in the British Empire during the period immediately following the War, with a view to safeguarding Imperial resources and meeting the industrial needs of the Empire and the Allies.

35278

No. 217.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL  
AND GOVERNOR.

(Canada. } Confidential.)  
(Newfoundland. }

[MY LORD DUKE,] [SIR,]

Downing Street, 30th July, 1917.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a memorandum by the Board of Trade on the "Control of the export of certain commodities after the War,"\* and of the report of the discussion at the meeting of the Imperial War Conference on the 25th of April regarding the control of wool.†

2. Arrangements are being made to appoint a Committee‡ to frame a detailed scheme for controlling wool supplies, and the Commonwealth of Australia, New Zealand, and the Union of South Africa, as well as the United Kingdom, will be represented on that Committee.

I have, &amp;c.,

WALTER H. LONG.

35278

No. 218.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL

(Commonwealth of Australia. } Confidential.)  
(New Zealand. }  
(Union of South Africa. }

[SIR,] [MY LORD,]

Downing Street, 30th July, 1917.

WITH reference to my telegram of the 14th of May,§ I have the honour to transmit to [you,] [Your Excellency,] to be laid before your Ministers, copies of a memorandum by the Board of Trade on the "Control of the export of certain commodities after the War,"\* and of the report of the discussion at the meeting of the Imperial War Conference on the 25th of April† regarding the control of wool.

2. As your Ministers will be aware, arrangements are being made to appoint a Committee to frame a detailed scheme for controlling wool supplies, and the Commonwealth of Australia, New Zealand, and the Union of South Africa, as well as the United Kingdom, will be represented on that Committee.

I have, &amp;c.,

WALTER H. LONG

\* See pages 279-285 of Dominions No. 62.

† See pages 203-206 of Dominions No. 62.

‡ Secretariat Note.—On 30th July, 1917, the Board of Trade intimated that they proposed to proceed with the formal constitution of the Committee at an early date. The Colonial Office reminded the Board of Trade privately as to the need for expedition on 29th October, 30th November, and 17th December. The first meeting was then fixed for 21st January, 1918, but it was postponed and did not actually take place till 8th March. The Board of Trade on 4th March were reminded officially of the urgency for obtaining the Committee's report, and the report was actually received early in June, 1918. The report was laid before the Imperial War Conference, 1918 (see pages 269-276 of Dominions No. 69), and it will be seen that wool was one of the commodities specified in Resolution III. of the 1918 Conference.

§ 24348: not printed. This telegram invited the Governments to nominate a representative on the Committee referred to in paragraph 2.

37446

No. 219.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada. }  
(Commonwealth of Australia. } Dominions No. 466. Confidential.)  
(New Zealand. }  
(Union of South Africa. }  
(Newfoundland. }

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 26th August, 1918.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the report of the East Indian Wool Trade Committee, dated July, 1918.\*

2. In this connexion I would invite attention to the report of the Committee of the Imperial War Conference on Raw Materials,† a copy of which was enclosed in my Confidential despatch Dominions No. 455, of the 21st of August,‡ and in particular to the references to East India wool on page 7§ of that report.

I have, &amp;c.,

WALTER H. LONG.

43930

No. 220.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada. }  
(Commonwealth of Australia. } Dominions No. 494. Confidential.)  
(New Zealand. }  
(Union of South Africa. }  
(Newfoundland. }

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 5th September, 1918.

WITH reference to paragraph 8 of my despatch Dominions No. 455, Confidential, of the 21st August,‡ and to my despatch Dominions No. 466, Confidential, of the 26th August,|| I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of a report on wool supplies after the War,¶ drawn up by the Conference appointed in pursuance of Resolution XVIII. of the Imperial War Conference, 1917. I would invite reference in this connexion to my Confidential despatch of the 30th July, 1917.\*\*

2. This report, together with a covering note by the President of the Board of Trade, of which a print is also enclosed, was circulated to the members of the Imperial War Conference, 1918.

I have, &amp;c.,

WALTER H. LONG.

\* Not reprinted.

† See pages 223-257 of Dominions No. 69.

‡ No. 257.

§ Pages 228-230 of Dominions No. 69. || No. 219. ¶ See pages 269-276 of Dominions No. 69.

\*\* Nos. 217 and 218.



## RESOLUTION XIX.: CONTROL OF ORES AND METALS.

(1) That it is desirable that the exports to foreign countries of important ores and metals (the produce of the British Empire) should be controlled for a period after the War.

(2) That the Conference would welcome appropriate measures for the purpose of freeing the Empire and the Allied Countries from any previous dependence on German-controlled organizations with respect of non-ferrous metals and ores.

(3) That the Governments of the Empire should consider the desirability of imposing restrictions on the acquisition of mineral rights within the Empire by or on behalf of subjects of present enemy States.

56102

No. 221.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND  
ACTING GOVERNOR.

(Sent 2.50 p.m., 10th November, 1917.)

TELEGRAM.

[Answered by Nos. 222, 225, and 226.]

(Canada.)  
(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

(Paraphrase.)

CONFIDENTIAL. His Majesty's Government propose to introduce into Parliament, in pursuance of Resolution XIX. of Imperial War Conference, Bill intended to secure freedom of non-ferrous metal industry from German control by requiring all persons engaged in United Kingdom in the business of extracting, smelting, dressing, refining, or dealing by way of wholesale trade with metal or metallic ore to which Bill applies to obtain Board of Trade licence renewable annually. Except for special reasons approved by Board of Trade, businesses controlled or managed to any substantial extent by enemy subjects will not be entitled to licence. Bill applies to zinc, copper, tin, lead, nickel, and aluminium, and provision made for its extension by order of Board of Trade to other non-ferrous metals and ores. Its operation is limited to continuance of war and five years afterwards. Copies follow by mail. His Majesty's Government confidently rely on co-operation of Dominion Governments, and hope that they will be prepared to introduce similar legislation. Bill will be introduced 12th November.—LONG.

56222

No. 222.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th November, 1917.)

TELEGRAM.

(Paraphrase.)

GOVERNMENT of New Zealand will be pleased to co-operate in regard to the action proposed to be taken re Resolution 19 of the Imperial War Conference, and will be prepared also to introduce at the next favourable opportunity legislation similar to that indicated in telegram of 10th November\* from you.—LIVERPOOL.

\* No. 221.

56222

No. 223.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

[Answered by No. 226.]

(Canada.)  
(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

Dominions No. 763.)

Downing Street,

[MY LORD DUKE,] [SIR,] [MY LORD,]

28th November, 1917.

WITH reference to previous correspondence, I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the Bill\* to restrict temporarily the persons who may engage in business connected with certain non-ferrous metals and metallic ores, in the form in which it has been introduced into Parliament.

I have, &amp;c.,

WALTER H. LONG

60419

No. 224.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.45 p.m., 9th December, 1917.)

TELEGRAM.

[Answered by No. 231.]

9TH DECEMBER, 1917. Following from Prime Minister: *Begins.* Referring Non-Ferrous Metals Bill now before your Parliament, I earnestly hope that limitation of period and restriction to non-ferrous metals will be deleted from Bill, so that full effect of Paris Economic Conference may be carried out. *Urgent. Ends.*—MUNRO-FERGUSON.

5845

No. 225.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st February, 1918.)

(Confidential (2).)

SIR,

Governor-General's Office, Pretoria, 31st December, 1917.

I HAVE the honour to transmit to you herewith, with reference to your telegram, Confidential, of the 10th November,† a copy of a minute, No. 1919, from Ministers, dated 13th December, on the subject of the control of the non-ferrous metal industry.

I have, &amp;c.,

BUXTON,

Governor-General.

\* Not reprinted.

† No. 221.



Enclosure in No. 225.

(1919.)

Prime Minister's Office, Pretoria, 13th December, 1917.

WITH reference to the telegram from the Secretary of State, dated the 10th November, Confidential, regarding the control of the non-ferrous metal industry, Ministers have the honour to inform His Excellency the Governor-General that it is noted that the aim of the Bill is to control the industries of smelting and refining.

Under the mineral laws of the Union mining for the minerals mentioned is left to the land owner to whom they belong, and legislation in the direction indicated will not affect actual mining for these minerals.

Certain of the minerals named, such as copper and tin, are worked in the Union in appreciable quantities, while as regards zinc, lead, and nickel, only small quantities have hitherto been produced from time to time, while tin smelting is being started for the first time in the Union on a small scale, and a certain amount of alloys and white metals is being locally made. At present, owing to the smallness of the operations in this direction, there does not appear to be any urgency for dealing with the control of smelting works within the Union.

Should, however, these operations increase in magnitude, the question will be kept in mind by the Government.

F. S. MALAN.

7684

No. 226.

CANADA

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.25 a.m., 12th February, 1918.)

TELEGRAM.

[Answered by Nos. 227 and 230.]

(Paraphrase.)

11TH FEBRUARY. Your telegram of 10th November, and despatch Dominions No. 763, of 28th November.\* Legislation designed to regulate control over non-ferrous metal industry; Canadian Government sympathetic towards legislation here embodying same principle, but framed to meet Canadian conditions. Department of Mines asks reason for omission of ferrous metal industry and industries using non-metallic minerals, including basic chemical industries. Canadian Government would be glad to have copies of Bill and discussions up to present stage, and also of Bill when finally passed.—DEVONSHIRE.

7684

No. 227.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD DUKE,

Downing Street, 19th February, 1918.

WITH reference to Your Excellency's telegram of the 11th February,† relative to the Non-Ferrous Metal Industry Act, I have the honour to transmit to you, for the information of your Ministers, copies of the following documents:—

- (a) The Non-Ferrous Metal Industry Bill as amended in Committee of the House of Commons.
- (b) The Bill as brought from the House of Commons to the House of Lords.
- (c) The Bill as amended in Committee of the House of Lords.
- (d) The Act as passed.
- (e) A set of Hansard Reports relative to the passage of the Bill.

I have, &amp;c.,

WALTER H. LONG.

\* Nos. 221 and 223.

† No. 226.

7684

No. 228.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 126.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

Downing Street,

28th February, 1918.

[MY LORD DUKE,] [SIR,] [MY LORD,]

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the Non-Ferrous Metal Industry Act, 1918,\* of the Imperial Parliament.

I have, &amp;c.,

WALTER H. LONG.

11912

No. 229.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 163.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

Downing Street,

16th March, 1918.

[MY LORD DUKE,] [SIR,] [MY LORD,]

WITH reference to my despatch Dominions No. 126, of the 28th of February,† I have the honour to request you to inform your Ministers that the Government of India have informed His Majesty's Government that they will be prepared to introduce in India legislation similar to the Non-Ferrous Metal Industry Act, 1918, of the Imperial Parliament.

2. I take this opportunity to enclose, for your Ministers' information, copies of an extract from the *London Gazette* of the 8th of March,‡ containing rules made by the Board of Trade, with the concurrence of the Treasury, under Section 6 of the Imperial Act.

I have, &amp;c.,

WALTER H. LONG.

14273

No. 230.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD DUKE,

Downing Street, 6th April, 1918.

IN reply to the inquiry made in Your Excellency's telegram of the 11th of February,§ as to the reasons for the limitation of the scope of the Non-Ferrous Metal Industry Act, I have the honour, in continuation of my Confidential despatch of the 19th idem,|| to invite reference to the speeches made on behalf of His Majesty's Government during the passage of the Act through Parliament, from which it will be seen that the non-ferrous metal industries afforded, in the opinion of His Majesty's Government, the most conspicuous and important illustration of German methods of penetration and control, and that a measure of the kind was regarded as an essential preliminary to the establishment of the British industries in question on a secure basis.

\* 7 and 8 George V., chapter 67. † No. 228. ‡ No. 30565, pages 2990-2. § No. 226. || No. 227.



2. The situation appeared to His Majesty's Government to call for legislation of a special kind, which might not be necessary for, or applicable to, other branches of trade and industry in respect of which German competition or control was less marked, or has taken other forms, and which could be dealt with by Government action of a more general character.

I have, &c.,

WALTER H. LONG.

14273

No. 231.

## COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

SIR, Downing Street, 6th April, 1918.  
WITH reference to Your Excellency's telegram of the 9th of December, 1917,\* and subsequent correspondence,† relating to the Non-Ferrous Metal Industry Act, I have the honour to request you to inform your Ministers that the reasons for the limitation of the scope of the Act were, as explained in the speeches made on behalf of His Majesty's Government during the passage of the Act through Parliament, that the non-ferrous metal industries afforded the most conspicuous and important illustration of German methods of penetration and control, and that a measure of the kind was regarded as an essential preliminary to the establishment of the British industries in question on a secure basis.

2. The situation called for legislation of a special kind which might not be necessary for, or applicable to, other branches of trade and industry in respect of which German competition or control was less marked, or has taken other forms, and which could be dealt with by Government action of a more general character.

I have, &c.,

WALTER H. LONG.

*Secretariat Note.*—The subject was further discussed at the Imperial War Conference, 1918: see discussion on pages 47-60, 62-3, and memorandum on pages 229-231 of [Cd. 9177], discussions on pages 31 and 34 of Dominions No. 69, and Resolution No. II.

For further correspondence see under Resolution II. of the 1918 Conference. (page 172).

\* No. 224.

† Nos. 228 and 229.

## RESOLUTION XX.: CONTROL OF MEAT SUPPLIES.

In view of the extent to which the United Kingdom and certain other parts of the Empire are dependent on overseas supplies for meat, and of the desirability of freeing British markets from excessive dependence on foreign organizations which control important sources of supply, this Conference is of opinion that there should be co-operation between the Governments of the Empire to ensure that the Empire should become as far as possible self-sufficing in the matter of meat supplies, and that the Governments concerned should prepare detailed plans with this object.

27067

No. 232.

## CANADA: COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 1.5 p.m., 30th May, 1917.)

TELEGRAM.

[Answered by Nos. 235 and 236.]

[To Australia only: My telegram of 27th April.\*] In connexion with resolution of Imperial War Conference as to control of meat supplies, Board of Trade desire as a first step to confer with representatives of Canada, Commonwealth of Australia, New Zealand, Union of South Africa. Should be glad if your Government would nominate representative. New Zealand will be represented by High Commissioner for New Zealand.—LONG.

27067

No. 233.

## UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 11.30 a.m., 30th May, 1917.)

TELEGRAM.

[Answered by No. 234.]

(Paraphrase.)

IMPERIAL War Conference passed following resolution:—*Begins:* In view of the extent to which the United Kingdom and certain other parts of the Empire are dependent on overseas supplies for meat, and of the desirability of freeing British markets from excessive dependence on foreign organizations which control important sources of supply, the Conference is of opinion that there should be co-operation between the Governments of the Empire to ensure that the Empire should become as far as possible self-sufficing in the matter of meat supplies; and that the Governments concerned should prepare detailed plans with this object. *Ends.*

As a first step Board of Trade desire to confer with representatives of Canada, Commonwealth of Australia, New Zealand, Union of South Africa.

High Commissioner for New Zealand will represent New Zealand. Should be glad if your Government would nominate representative.—LONG.

\* 22180: not printed. This telegram contained the terms of the resolution.



29189

No. 234.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3 p.m., 8th June, 1917.)

TELEGRAM.

(Paraphrase.)

IN reply to your Secret telegram 30th May,\* Ministers have asked High Commissioner to represent Union at Conference on meat supplies.—BUXTON.

32472

No. 235.

## CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 9.30 p.m., 26th June, 1917.)

TELEGRAM.

26TH JUNE. Your telegram 23rd June,† Meat Conference. Government of Canada nominate Perley as representative of Canada.—DEVONSHIRE.

34843

No. 236.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6.48 p.m., 10th July, 1917.)

TELEGRAM.

10TH JULY. Your telegram 30th May,‡ Meat Supplies. Commonwealth of Australia nominates High Commissioner as its representative to confer with Board of Trade.—MUNRO FERGUSON.

34843

No. 237.

## NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD,

Downing Street, 14th July, 1917.

I HAVE the honour to refer to the resolution adopted at the recent Imperial War Conference to the effect that it is desirable that there should be co-operation between the Dominion Governments and His Majesty's Government to ensure that the Empire should become, as far as possible, self-sufficing in the matter of meat supplies, and that the Governments concerned should prepare detailed plans with this object.

2. Your Ministers will be aware that the Board of Trade are making arrangements to confer with representatives of the Governments of Canada, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and that your Prime Minister, while in this country, nominated the High Commissioner for New Zealand as your Government's representative for this purpose. I have now to request you to inform your Ministers that the High Commissioners for Canada, the Commonwealth of Australia, and the Union of South Africa have been appointed to represent their Governments at the Conference.

I have, &amp;c.,

WALTER H. LONG.

\* No. 233.

† 31294, reminder: not printed.

‡ No. 232.

35280

No. 238.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Confidential.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 10th August, 1917.  
[To Canada, Commonwealth of Australia, and Union of South Africa: With reference to my telegram of the 30th of May,\*] [To New Zealand only: With reference to my Confidential despatch of the 14th July,†] I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of the Proceedings of the Imperial War Conference on the subject of the control of the meat supplies of the Empire.‡

2. [To Canada, Commonwealth of Australia, and Union of South Africa: Since the despatch of my telegram of the 30th of May it has been arranged that the High Commissioners for Canada, Australia, and the Union of South Africa, as well as for New Zealand, shall act as the representatives of their Governments at the Conference proposed by the Board of Trade as a first step towards carrying out the resolution on the subject passed by the Imperial War Conference.]

2. [To Newfoundland only: As a first step towards carrying out the resolution on the subject passed by the Imperial War Conference, the Board of Trade propose to confer with representatives of Canada, Australia, New Zealand, and the Union of South Africa, and the High Commissioners have been nominated as the representatives of their Governments for this purpose.]

I have, &amp;c.,

WALTER H. LONG.

*Secretariat Note.*—The Conference duly met and appointed a Committee to draw up a detailed scheme. The report of this Committee was considered by the Conference and subsequently considered by the Imperial War Conference, 1918. See discussions on pages 31, etc., of Dominions No. 69 and Resolution No. V.

For further correspondence on the subject see under Resolution No. V. of the 1918 Conference (page 185).

\* Nos. 232 and 233. † No. 237. ‡ Pages 207-13, 217-27, and 281-3 of Dominions No. 62.



## RESOLUTION XXI.: IMPERIAL PREFERENCE.

The time has arrived when all possible encouragement should be given to the development of Imperial resources, and especially to making the Empire independent of other countries in respect of food supplies, raw materials and essential industries. With these objects in view this Conference expresses itself in favour of:—

- (1) The principle that each part of the Empire, having due regard to the interests of our Allies, shall give specially favourable treatment and facilities to the produce and manufactures of other parts of the Empire.
- (2) Arrangements by which intending emigrants from the United Kingdom may be induced to settle in countries under the British flag.

*Secretariat Note.*—No correspondence as regards Imperial Preference took place until 1919.

As regards emigration, see under Resolution XIII., Imperial War Conference, 1918 (page 201).

## RESOLUTION XXII.: RECIPROCITY OF TREATMENT BETWEEN INDIA AND THE SELF-GOVERNING DOMINIONS.

That the Imperial War Conference, having examined the Memorandum on the position of Indians in the Self-governing Dominions presented by the Indian representatives to the Conference, accepts the principle of reciprocity of treatment between India and the Dominions and recommends the Memorandum to the favourable consideration of the Governments concerned.

*Secretariat Note.*—For the correspondence on this subject see Dominions No. 70.



## RESOLUTION XXIV.: TEMPTATIONS OF OVERSEA SOLDIERS.

That the attention of the authorities concerned be called to the temptations to which our soldiers when on leave are subjected and that such authorities be empowered by legislation or otherwise (1) to protect our men by having the streets, the neighbourhood of camps, and other places of public resort, kept clear, so far as practicable, of women of the prostitute class, and (2) to take any other steps that may be necessary to remedy the serious evil that exists.

*Secretariat Note.*—The correspondence arising out of this Resolution is printed with other correspondence as to Naval and Military Defence in Dominions No. 72.

IV.  
IMPERIAL WAR CONFERENCE, 1918.

## CORRESPONDENCE AS TO PRELIMINARY ARRANGEMENTS.

10564

No. 239.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Sent 5.20 p.m., 27th February, 1918.)

TELEGRAM.

[Answered by Nos. 241, 243, and 246.]

(Canada.)  
(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

(Paraphrase.)

CONFIDENTIAL. Programme of next Imperial War Cabinet and Conference. As last year, Cabinet will presumably deal with questions relating to conduct of War and terms of peace, and Conference mainly with questions affecting policy after the War, especially in economic sphere. List of subjects to be brought up in latter connexion is being considered by His Majesty's Government, and proposals will be telegraphed later.

His Majesty's Government will be glad to know in the meantime whether your Government desires to raise any special economic questions. If so, it would be most convenient if you could telegraph as soon as possible questions to be raised, so that due notice to other Governments may be given and necessary preparations made. It would be a great help if memoranda putting forward detailed proposals could be prepared and forwarded so as to reach me by end of April.—LONG.

10564

No. 240.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 244.]

(Confidential.)

SIR,

Downing Street, 28th February, 1918.

WITH reference to previous correspondence as to the sessions of the Imperial War Cabinet and War Conference, to be held this year, I am directed by Mr. Secretary Long to transmit to you, to be laid before the Secretary of State for India, a copy of a telegram\* which has been sent to the Self-governing Dominions outlining the programme, and inviting notice of any economic questions which it may be desired to raise at the Conference.

2. Mr. Long would suggest that a telegram in a similar sense should be sent to the Government of India.

I am, &c.,  
HENRY LAMBERT.

\* No. 239.



14450

No. 241.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.12 a.m., 22nd March, 1918.)

TELEGRAM.

[Answered by No. 242.]

(Paraphrase.)

YOUR telegram of the 27th February.\* I am informed by Prime Minister that Commonwealth Government desires to see raised (1) Pacific question, (2) post-War problems, including Imperial trade and tariffs, and (3) constitution of Privy Council and representation of Dominions thereon.

Prime Minister states that foregoing subjects do not necessarily exhaust those which Commonwealth Government may desire to see dealt with, and that any others which they may suggest themselves will be telegraphed.—FERGUSON.

14450

No. 242.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.30 p.m., 26th March, 1918.)

TELEGRAM.

[Answered by No. 247.]

YOUR telegram of 22nd March,† subjects for Imperial War Conference.

As regards (1), see Resolution XIV. last year's Conference and discussions in White Book, Dominions 62. Prime Minister will, I presume, prepare memorandum setting out specific points which he desires to raise. If so, please telegraph summary.

As regards (3), memorandum was furnished by Prime Minister to my predecessor May, 1916. Does he desire this memorandum to serve as basis of discussion?—LONG.

16106

No. 243.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11.20 a.m., 1st April, 1918.)

TELEGRAM.

(Paraphrase.)

SECRET. With reference to your telegram 27th February,\* subjects for discussion at Imperial War Conference. Prime Minister states that at last year's Conference resolutions were passed regarding many subjects of great importance. Certain action was to be taken by His Majesty's Government in pursuance of several of these resolutions, and it is taken for granted that in all such matters reports will be submitted to the Conference this year and an opportunity afforded for further consideration.

Other questions which it is hoped the Conference will have an opportunity for discussing are:—

First, consideration of matters connected with, and arising out of, the War, more particularly as affecting oversea Dominions.

\* No. 239.

† No. 241.

Secondly, the proposal that there should be a special decoration for all soldiers who took part in the Gallipoli campaign.

Thirdly, with regard to the internment of enemy aliens, that there should be uniformity as between the different parts of the Empire.

Fourthly, transport and mail service between the different parts of the Empire.

Fifthly, special charges imposed in Great Britain on meat and wool imported from oversea Dominions.

Sixthly, provision to be made in all Government contracts that the products of the Empire should be preferred to the products of other countries.

Prime Minister says that last year it was agreed that the question of the satisfactory representation of the oversea Dominions in all Imperial matters should stand over until after the War, and that, with regard to the question of the best means of developing and consolidating the Empire, a similar decision was arrived at, but that he sees no reason why both of these highly important matters should not be further discussed at the forthcoming Conference.

Prime Minister adds that, in addition to those mentioned herein, there are, of course, many matters which under normal circumstances would be well worthy of consideration, but for which he fears the coming occasion will not be opportune.—LIVERPOOL.

16448

No. 244.

INDIA OFFICE to COLONIAL OFFICE.

(Received 4th April, 1918.)

[Answered by No. 245.]

(Confidential.)

SIR, India Office, Whitehall, London, S.W.1, 3rd April, 1918.

I AM directed by the Secretary of State for India to refer to your Confidential letter, dated the 28th February, 1918,\* regarding the programme for the forthcoming sessions of the Imperial War Cabinet and War Conference, and to enclose, for the information of Mr. Secretary Long, copy of telegraphic correspondence with the Government of India on the subject.

I am to ask that the list of questions detailed in the telegram of the Government of India of the 18th March be regarded as provisional only, and possibly subject to subsequent additions pending fuller examination in this Department.

I am, &amp;c.,

J. E. FERARD.

Enclosure 1 in No. 244.

SECRETARY OF STATE to VICEROY, HOME DEPARTMENT, 2ND MARCH, 1918.

P.—REFERENCE to my telegram of 8th February. The following is paraphrase of a telegram addressed on 27th February to Self-governing Dominions:—

Confidential. Programme of next Imperial War Conference and Cabinet. The Cabinet will, it is presumed, deal as last year with questions relating to the conduct of the War and the terms of peace, and the Conference mainly with questions which affect policy after the War, especially in economic matters. His Majesty's Government is considering list of subjects to be brought up in latter connexion, and proposals will be telegraphed later.

In the meantime His Majesty's Government will be glad to be informed whether your Government wishes to raise any special economic questions. If so, it would be most convenient if questions to be raised could be telegraphed as soon as possible, in order that due notice may be given to other Governments and the necessary preparations made. If memoranda putting forward detailed proposals could be prepared and forwarded so as to reach me by end of April it would be a great help.

Please telegraph your observations with regard to India.

\* No. 240.



Enclosure 2 in No. 244.

COPY OF TELEGRAM FROM VICEROY, COMMERCE AND INDUSTRY DEPARTMENT,  
DATED 18TH MARCH, 1918.

(Received at India Office, 11.0 a.m., 19th.)

3505-D. Your telegram of the 2nd instant. Imperial War Conference.  
The questions we wish to discuss are:—

1. Naturalization.
2. Foreign missionaries and teachers.
3. Imperial preference.
4. Registration of alien firms.
5. Restrictions on enemy and alien trading.
6. Holding of land by aliens.
7. Treatment of alien shipping generally, and with regard to coasting trade.
8. Mineral resources.
9. Restriction under licence exports and imports.
10. Restrictions on entry of aliens into India and their residence therein.
11. Exclusion as a general policy of aliens from Government appointments and public offices.

We have already given our views as to 1, 2, 3, and 4, and partly as to some of the other subjects. Memoranda shall be prepared and sent to you by mail. It will be impossible to complete memoranda in time to reach you by the end of April. If necessary we will send you by telegram before that date summary of our views on each subject.

16448

No. 245.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 249.]

SIR,

Downing Street, 11th April, 1918.

I AM directed by Mr. Secretary Long to acknowledge the receipt of your letter of the 3rd instant,\* forwarding copies of telegrams with reference to the programme of subjects to be discussed at the forthcoming Imperial War Conference.

2. Mr. Long notes that the list of questions detailed in the Viceroy's telegram of 18th March† is to be regarded as provisional only. He would observe, however, that it seems doubtful whether the time at the disposal of the Conference will be sufficient for all the subjects mentioned to be discussed, even if it should be the desire of the Secretary of State for India that they should all be included in the programme.

3. In any case it seems to him questionable whether it is desirable to arrange for any further detailed discussion on the subject of naturalization, which, it will be remembered, was dealt with at the Conference of last year. This matter is being dealt with in separate correspondence.

I am, &amp;c.,

HENRY LAMBERT.

22115

No. 246.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10.40 p.m., 5th May, 1918.)

TELEGRAM.

(Paraphrase.)

5TH MAY. Secret. Your telegram of 27th February.‡ Following subjects suggested by Canadian Government for discussion at Imperial War Conference:—

\* No. 244.

† Enclosure 2 in No. 244.

‡ No. 239.

- (1) Immediate establishment of a central authority to control and supervise all matters pertaining to ex-service men and others who may desire to emigrate from Great Britain.
- (2) Adoption of some definite plan whereby funds or credit necessary shall be made available for the purpose of establishing British ex-service men in oversea Dominions efficiently.
- (3) Further consideration of the various problems relating to demobilization.
- (4) Transportation and communication within the Empire, with special reference to ocean carriage, cable facilities, State regulation and control of rates.
- (5) Establishment of an Imperial news service and expediency of State assistance thereto.
- (6) Financial provision after War for development of the resources of the Empire.

Memoranda on these subjects will as soon as possible be prepared and sent forward. Will communicate to you later any other subjects which Canadian Government may possibly desire to raise.—DEVONSHIRE.

22268

No. 247.

COMMONWEALTH OF AUSTRALIA

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7.58 p.m., 6th May, 1918.)

TELEGRAM.

[Answered by Nos. 248 and 250.]

(Paraphrase.)

My Prime Minister sends the following message:—*Begins:* With reference to your telegram of 26th March,\* will endeavour, as requested, to prepare memorandum with regard to subjects of Imperial War Conference. *Re* memorandum furnished to Secretary of State's predecessor *re* Privy Council, former memorandum will serve as basis. Desire to add for discussion one subject, viz., channels of communication between Self-governing Dominions and Britain. *Ends.*—MUNRO-FERGUSON.

22268

No. 248.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 3.0 p.m., 11th May, 1918.)

TELEGRAM.

[Answered by No. 251.]

YOUR telegram 6th May.† Please explain what is covered by new subject proposed.—LONG.

26059

No. 249.

INDIA OFFICE to COLONIAL OFFICE.

(Received 29th May, 1918.)

SIR,

India Office, Whitehall, London, S.W.1, 29th May, 1918.

I AM directed by the Secretary of State for India to refer to your letter, dated the 11th April last,‡ regarding the programme of subjects to be discussed at the forthcoming Imperial War Conference, and to enclose, for the information of Mr. Secretary Long, copies of further telegrams that have passed with the Government of India on the subject.

\* No. 242.

† No. 247.

‡ No. 245.



It will be seen that the memoranda referred to in the telegram of the Government of India of the 18th March last\* will not now be received before the arrival of the Indian representatives, but Mr. Montagu realizes that it is necessary to proceed with the preparation of the programme of the Conference, and I am directed to address you as follows with regard to the subjects that this Department would wish to see included in it, taking in order those set out in the telegram of the Government of India of the 18th March.

No. (1) *Naturalization.*

It is understood that this subject will be included in the programme, but that the present intention is to leave over for later settlement some of the difficult questions that might be discussed in connexion with it. Mr. Montagu for his own part is prepared to agree to this procedure.

No. (2) *Foreign missionaries and teachers.*

Mr. Montagu is doubtful whether this subject is ripe for detailed discussion at this year's Imperial War Conference. The scheme approved by the Inter-departmental Conference in February last has only recently been submitted to the Indian Government and to other Governments for examination, and the Imperial Conference could hardly be asked to discuss it. But it might be desirable to obtain the support of the Conference to the principle that in view of the experience of the present War the placing of restrictions on the entry of alien missionaries into those parts of the Empire which are favourable to missionary enterprise is justifiable.

No. (3) *Imperial preference;*

No. (4) *Registration of alien firms;*

No. (5) *Restrictions on alien and enemy trading;*

No. (6) *Holding by aliens of land;*

No. (7) *Alien shipping: treatment generally, and as to coasting trade;*

No. (8) *Mineral resources; and*

No. (9) *Exports and imports: restriction under licence.*

The precise scope of the Indian proposals is not at present known, nor is it altogether clear to what extent they are intended to apply to the period of the War or the succeeding period. But it is understood that the discussion of economic questions at the Conference will range over a wide field, and some of the Indian subjects certainly, and others most probably, will no doubt in one form or another come before it. Mr. Montagu proposes to await the receipt of papers from India before deciding to suggest the inclusion of the above-mentioned subjects in the agenda.

No. (10) *Restrictions on entry into India and residence therein of aliens.*

It is to be presumed that the Government of India desire to perpetuate in time of peace some of the restrictions in regard to aliens that have been applied during the War. At the time when their telegram of the 18th March was despatched the report of the Aliens Committee had not been considered by them, and it is possible that the Indian representatives may find that the objects they have in view may be attained without the discussion with the representatives of the other parts of the Empire which they originally contemplated. But Mr. Montagu would be glad if the item "Restrictions on the Entry and Residence of Aliens" were provisionally included in the programme.

No. (11) *General policy of excluding aliens from Government appointments and public offices.*

Mr. Montagu is grateful for the action by your department as shown in the correspondence enclosed with your covering letter dated the 20th May.† He would be glad if this item, like the last, were provisionally included in the programme.

I am further to suggest that disappointment would naturally be caused in India if the Imperial War Conference failed to consider further the important suggestion accepted by the Conference of 1917 that India and the Dominions should adopt a policy of reciprocity as regards the regulation of immigration.

I am to add that copy of this letter, with enclosures, has been communicated to the Home Office.

I have, &c.,  
M. C. SETON.

\*Enclosure 2 in No. 244.

† 22479: this letter showed that the Home Office and the Civil Service Commission had been asked to prepare a memorandum showing the practice and policy of His Majesty's Government on this subject.

Enclosure 1 in No. 249.

SECRETARY OF STATE to VICEROY, COMMERCE AND INDUSTRY DEPARTMENT,  
10TH MAY, 1918.

IMPERIAL Conference. Your telegram of 18th March. Please telegraph whether any memoranda on subjects suggested for discussion have yet been posted and on what dates.

Enclosure 2 in No. 249.

FROM VICEROY, COMMERCE AND INDUSTRY DEPARTMENT, 15TH MAY, 1918.

3412. YOUR telegram dated 10th May. Memoranda on subjects for discussion at Imperial War Conference have not been sent. Brief prepared for our representative will be sent by next mail.

22268

No. 250.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 2.15 p.m., 1st June, 1918.)

TELEGRAM.

[Answered by No. 251.]

(Paraphrase.)

YOUR telegram of 6th May,\* my telegram of 11th May,† channels of communication. Can you give some indication of points which Prime Minister desires to raise at Imperial Conference? Would be glad to receive reply as soon as possible by telegraph.—LONG.

27121

No. 251.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.15 p.m., 3rd June, 1918.)

TELEGRAM.

(Paraphrase.)

YOUR telegrams of the 11th May and 1st June.† The subject Channels of Communication was telegraphed to me from Fiji by my Prime Minister. I cabled him both at Honolulu and Vancouver requesting him to enable me to answer your question, but no reply has been received.—FERGUSON.

\* No. 247.

† No. 248.

‡ Nos. 248 and 250.



## V.

CORRESPONDENCE ARISING OUT OF THE RESOLUTIONS OF  
THE IMPERIAL WAR CONFERENCE, 1918.

## RESOLUTION I.: IMPERIAL WAR GRAVES COMMISSION.

The Conference desires to place on record its appreciation of the labours of the Imperial War Graves Commission and is in favour of the cost of carrying out the decisions of the Commission being borne by the respective Governments in proportion to the numbers of the graves of their dead.

*Secretariat Note.*—The discussions leading up to the above resolution were not communicated to the Dominion Governments by despatch, but were published (see pages 28-33 of [Cd. 9177]). They were also sent to the Imperial War Graves Commission at the time.

52620

No. 252.

COMMONWEALTH OF AUSTRALIA: NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL.

(Sent 5.30 p.m., 1st November, 1918.)

TELEGRAM.

YOUR Government will be glad to hear that immediate steps are being taken to investigate condition of Gallipoli graves. Army is despatching Graves Registration unit as early as possible to mark graves, to which Australian officer and New Zealand officer will be attached.—LONG.

52620

No. 253.

NEWFOUNDLAND.

THE SECRETARY OF STATE to THE ACTING GOVERNOR.

(Sent 6.0 p.m., 15th November, 1918.)

TELEGRAM.

15TH NOVEMBER. Your Government will be glad to hear that immediate steps are being taken to investigate condition of Gallipoli graves.—LONG.

54456

No. 254.

*Correspondence communicated by the Foreign Office as to Graves in Gallipoli and the Near East.*

(a)

IMPERIAL WAR GRAVES COMMISSION to FOREIGN OFFICE.

[Answered by No. 254 (b).]

Imperial War Graves Commission,  
Winchester House, St. James's Square,

MY LORD,

London, S.W.1, 31st October, 1918.

I AM directed by the Imperial War Graves Commission to ask that, in view of the probable conclusion of peace between His Majesty's Government and the Government of the Ottoman Empire, the immediate attention of the Secretary of State for Foreign Affairs may be directed to the question of the graves of officers and men of the Allied forces in the Gallipoli Peninsula.

The eighth resolution passed by the Imperial War Conference, 1917, contained the words:—

"The Conference places on record its very deep appreciation of the generous action of the French Government in allotting in perpetuity the land in that country where our men are buried, and urges that similar arrangements should be made, if possible, in the terms of peace with all Governments—Ally, enemy, or neutral—for a similar concession in Gallipoli, Mesopotamia, Africa, and all other theatres of war."

The proceedings at the meeting at which this resolution was passed revealed the very strong feeling which existed in regard to this matter (and which there is every reason to believe still exists) in all parts of the Empire.

I am accordingly to ask that such immediate steps as Mr. Balfour may think advisable may be taken to ensure the consideration of this question in any negotiations which are taking place between the two Governments concerned.

I am, &amp;c.,

FABIAN WARE, Brigadier-General,  
Vice-Chairman.

61312

(b)

FOREIGN OFFICE to IMPERIAL WAR GRAVES COMMISSION.

SIR,

Foreign Office, S.W.1, 11th December, 1918.

WITH reference to your letter of the 31st October last,\* relative to the graves of officers and men of the Allied forces in the Peninsula of Gallipoli, I am directed by Mr. Secretary Balfour to state that the question of such graves in Gallipoli and elsewhere in the Near East is receiving full consideration, with a view to its being put forward at the Peace Conference.

I am, &amp;c.,

\* No. 254 (a).



**RESOLUTION II.: NON-FERROUS METAL INDUSTRY.**

In pursuance of the policy of freeing the Empire from dependence on German-controlled organizations in respect of non-ferrous metals and ores, the Conference endorses the principle of the Non-Ferrous Metal Industry Act of the United Kingdom and recommends the Governments of the Empire to adopt effective measures, in so far as these may be necessary and have not already been taken, to carry out this policy.

39984

No. 255.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.	} Dominions No. 622.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 31st October, 1918.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of Resolution No. II. passed at the Imperial War Conference, 1918, endorsing the principle of the Non-ferrous Metal Industry Act of the United Kingdom, and to invite attention to pages 47-60 and 62-3 of the Blue Book [Cd. 9177] relating to the work of the Conference, which contain the discussion on the subject. The memorandum circulated to the members of the Conference is printed on pages 229-231 of the Blue Book.

2. His Majesty's Government would be glad to be kept informed of any action taken by your Government in this matter.

I have, &amp;c.,

WALTER H. LONG.

*Secretariat Note.*—An Act entitled "The Non-Ferrous Metal Industry Act, 1918," was passed by the Newfoundland Parliament in May, 1918 (8-9 George V., chapter 14). No legislation on the subject was passed in the other Dominions in 1918.

**RESOLUTION III.:—CONTROL OF RAW MATERIALS.**

(1) The Conference agrees that it is necessary to secure for the British Empire and the belligerent Allies the command of certain essential raw materials in order to enable them to repair the effects of the War as soon as possible and to safeguard their industrial requirements.

(2) The Conference is of opinion that the Governments of the British Empire should make such arrangements amongst themselves as will ensure that essential raw materials produced within the Empire shall be available for the above purposes, and should arrange with the Allied Countries to utilize for the same purposes essential raw materials produced in those countries.

(3) Amongst the raw materials which should be considered for the purpose of this policy, the Conference recommends the following:—

Asbestos.	Lead and its ores.
Cotton.	Manganese ores.
Jute.	Nickel, refined and matte.
Wool.	Spelter and zinc concentrates.
Hides and skins.	Tin and its ores.
Leather.	Tungsten ores.
Rubber.	Mica.
Oleaginous products.	Molybdenum.
Petroleum.	Steam coal.
Copper.	

**RESOLUTION IV.:—CONTROL OF RAW MATERIALS.**

That this Conference has considered the provisions of the Imports and Exports (Temporary Control) Bill now before the Imperial Parliament, and is of opinion that, whilst the circumstances of the different parts of the Empire differ widely as regards the extent to which it may prove desirable to pass similar legislation, the respective Governments should nevertheless take such action as may be deemed expedient to enable the objects of Resolution III. to be fully carried out.

To assist the Governments in determining their action in this respect, the Conference recommends:—

(1) that a Committee of its members should first consider the possible methods in each part of the Empire of obtaining command of each of the essential Raw Materials specified in Resolution III. (3).

(2) that the Governments represented at the Conference should, in the light of the information collected by their representatives on this Committee, consult with the representatives of the producers and trades concerned as to the method of obtaining command best suited to each individual commodity.

**RESOLUTION XXIII.: CONTROL OF RAW MATERIALS.**

(1) The Conference, having considered the Report of the Committee on Raw Materials, requests His Majesty's Government to communicate this Report forthwith to the Governments of the Dominions and India and to ascertain their views on the appropriate action to be taken.

(2) The Conference further agrees that steps should be taken to ascertain the needs and the resources of the Allies in respect of the raw materials specified in the Report.

(3) The Conference considers that the figures given in the Report as to the raw material requirements of the Empire might with advantage be used by the British Delegates at any forthcoming Inter-Allied Conference, subject to any corrections that may be made necessary by later and fuller information.



40612

No. 256.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th August, 1918.)

(Confidential.)

SIR, Governor-General's Office, Pretoria, 13th July, 1918.  
I HAVE the honour to transmit to you herewith, with reference to your telegram Confidential, of the 13th April,\* copy of a minute from Ministers, dated 10th July, 1918, on the subject of the post-War control of raw materials.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 256.

(Minute No. 1146.)

Prime Minister's Office, Pretoria, 10th July, 1918.

MINISTERS have the honour to acknowledge receipt of His Excellency the Governor-General's Confidential minute No. 62/990 of the 18th April, 1918, forwarding a copy of a telegram dated 13th April, 1918,\* from the Right Honourable the Secretary of State for the Colonies on the subject of post-War control of raw materials.

Ministers have the honour to state that, apart from gold, diamonds, and coal, and to a certain extent tin and copper, the mineral resources of the Union, though obviously of great potential economic importance, are largely undeveloped, and the control of them is impossible till they are exploited. Even then the control will be undoubtedly in the hands of those who have the courage to risk their capital in developing them.

The majority of the present mining firms in South Africa are only interested in the gold, diamond, and steam coal industries, and their capital and attention are fully occupied by these.

The control of "base minerals" in South Africa is difficult, as these minerals belong absolutely to the owner of the land, and any legislation designed to interfere in any way with their disposal would be extremely unpopular, and would undoubtedly give rise to agitation among the land-owning class.

Probably the best method by which such control could be obtained and exercised would be by the formation of a corporation of British ore buyers, formed for the purpose of encouraging the production of the required minerals in South Africa or in the Empire at large, and prepared to a certain extent to finance such operations. Such a corporation might be under Government auspices and favoured in every possible way by Government, though not necessarily financed by it, or even protected by any special legislation.

In the development of the base mineral industry of South Africa considerable difficulty has always been experienced in getting British consumers to accept parcels of new ores; they are inclined to throw difficulties in the way of new producers, mulcting them for every impurity and charging them for examining ore before offering to purchase it. Hamburg merchants have not done this, but, on the other hand, have assisted their would-be customers in every way possible free of charge, with the result that before the outbreak of war producers of complex concentrates were sending their products to Germany and the tin mines were shipping their cassiterite to Singapore.

If any Empire control is to be established it would seem that it must be one obtained by superior advantage offered to the producers, as the German control formerly was; no legal enactments will be sufficient if the British consumer remains as antipathetic to the new producer.

The following schedule shows the production in South Africa of the minerals mentioned, in the year 1917, and what may be regarded as the future probabilities if their exploitation is encouraged:—

\* Printed on pages 221-2 of Dominions No. 69.

Metal.	Output.	Value.	Probable prospects.
Copper (matte)	Tons. 20,174	£ 1,106,085	Output from main deposits decreasing. Smaller mines as yet unexploited. Output not likely to increase, rather to diminish.
Asbestos ... ..	—	87,364	Deposits very large. Output could apparently increase indefinitely.
Tungsten ores...	—	1,551	Only one mine producing. Considerable possibilities over large area, but no attention yet paid to mineral.
Mica ... ..	—	877	Very extensive deposits, excellent quality, but no stable market yet obtained. Very great possibilities.
Tin ... ..	2,687	375,615	Only prospected for where obvious—output likely to remain about same figure for many years.
Lead ... ..	—	3,761	Large developments seem improbable. Output will probably increase in a small way.
Zinc ... ..	—	—	Existence of large deposits of this mineral seem improbable.
Manganese ore	—	641	Numerous and extensive, but unproved deposits of this mineral exist, some high grade.
Nickel ... ..	—	—	The possibilities of large and payable deposits of this mineral, both in the Transvaal and Cape Colony, are favourable, but practically no work calculated to yield positive results has yet been done on them.
Iron ores ... ..	—	—	These ores exist all over the country, but as yet nothing but a little sampling has been done, and their possibilities, though favourable, are of unknown extent.
Pyrites ... ..	—	4,463	Massive pyrites is practically unknown, but has never been sought for. Auriferous pyritic concentrates running up to forty-seven per cent. sulphur could be produced at a rate of at least 1,000 tons per month from known deposits if there were a demand for them.
Dyes and chemicals	—	—	There is a practically limitless quantity of coal suitable for the production of these in both the Natal and Transvaal Provinces. At present the Natal Ammonium, Limited, manufacturing sulphate of ammonia, is the only company working. The New Transvaal Chemical Company, Limited, and the explosives factories turn out sulphuric acid and a few kindred chemicals for local consumption.
Potash ... ..	—	—	Soda.—The output of refined carbonate of soda from the South African alkali (Pretoria salt pan) will probably reach 30,000 tons per annum within the next two years and will remain at that figure indefinitely.
Phosphate rock	—	—	In the bushveldt red granite area of the Transvaal potash felspar exists in great quantity, but its possibilities have never even been investigated.
Steam coal ...	10,882,920	8,275,608	The existence of this in Natal has been noted, but, so far as Ministers are aware, the deposits have only been superficially examined and the prospects are not considered favourable. Recently phosphate rock has been discovered in quantity at Saldanha Bay, and is being exploited.

This industry is properly organized, and with the Railway and Harbour Department control exercised by the Government its export could be easily regulated without special legislation. The present standard of steam coal is an evaporative power of 12.75 in respect of Transvaal coal and of 13.75 in respect of Natal coal. At this standard, and at the present output, the supply is certainly sufficient for 30 years without an appreciable increase in the cost. Were a calorific value of 100 accepted the quantity available would be several times as great.



With regard to the raw materials, other than minerals, enumerated in the telegram from the Secretary of State, investigation is proceeding as to probable production and post-War requirements.

LOUIS BOTHA.

40832

No. 257.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.)

Dominions No. 455. Confidential.)

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 21st August, 1918.

WITH reference to my telegram of the 12th of April,\* and my despatch Dominions No. 216 Confidential, of the same date,† I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of papers‡ on the subject of the Control of Raw Materials after the War, which were circulated to the members of the Imperial War Conference.

2. The whole subject was considered by the Conference, and I enclose revised reports of the proceedings and of the resolutions passed.§

3. Your Ministers will observe that by Resolution III. it was agreed, *inter alia*, that it is necessary to secure for the British Empire and the belligerent Allies the command of certain essential raw materials, in order to enable them to repair the effects of the War as soon as possible, and to safeguard their industrial requirements, that the Governments of the British Empire should make such arrangements amongst themselves as will ensure that essential raw materials produced within the Empire shall be available for the above purposes, and that they should arrange with the Allied countries to utilize for the same purposes essential raw materials produced in those countries.

4. By Resolution IV. it was further agreed that a committee of the Conference should first consider the possible methods in each part of the Empire of obtaining command of each of the essential raw materials specified in the preceding resolution.

5. This committee drew up a report,|| copies of which are enclosed. The report was considered by the Conference, and a further resolution was passed in which His Majesty's Government was asked to communicate the report forthwith to the Governments of the Dominions and India, and to ascertain their views on the appropriate action to be taken.

6. It will be noted (*vide* Resolution IV. (2)) that the procedure contemplated is that the Governments represented at the Conference should, in the light of the information collected by their representatives on the committee, consult with the representatives of the producers and trades concerned as to the method of obtaining command best suited to each individual commodity. His Majesty's Government regard it as of the utmost importance that this action should be taken at the earliest possible date. They would accordingly be glad if your Ministers would take the report of the committee and the other papers enclosed in this despatch into consideration, and would furnish as soon as possible their views as to the appropriate action to be taken in respect of each of the raw materials dealt with in the committee's report.

7. It should be pointed out that the list of raw materials given in the committee's report differs from that set out in Resolution III. (3) passed by the Imperial War Conference in that the committee suggest the inclusion of aluminium ores for the reasons stated on page 1 of the report.

8. I propose to send in separate despatches¶ the detailed information at the disposal of His Majesty's Government as to each of the raw materials in question.

I have, &c.,

WALTER H. LONG.

\* Printed on pages 221-222 of Dominions No. 69.

† 17582, not printed: this enclosed copies of the two Reports on Raw Materials printed on pages 209-212 of Dominions No. 69.

‡ 3rd, 4th, 5th, 6th, and 16th days of the Proceedings (pages 4-30, 34-45, 53-58, and 192-4 of Dominions No. 69, and Resolutions III., IV., and XXIII., see above.

¶ Printed on pages 276-277, 212-221, 258-261, 263-268, 261-262, and 263 of Dominions No. 69.

|| Printed on pages 223-257 of Dominions No. 69. ¶ Attached to 43329/18: not printed.

47143

No. 258.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1st October, 1918.)

(Confidential.)

SIR, Governor-General's Office, Pretoria, 20th August, 1918.  
I HAVE the honour to transmit to you herewith, with further reference to your telegram of the 13th April,\* copy of a minute from Ministers (with enclosure) dated 29th July, 1918, on the subject of the control of raw materials.

I have, &c.,

BUXTON,

Governor-General.

Enclosure in No. 258.

(Minute No. 1240.)

Prime Minister's Office, Pretoria, 29th July, 1918.

WITH further reference to His Excellency the Governor-General's Confidential minute No. 62/990 of the 18th April, 1918, forwarding copy of a telegram dated 13th April, 1918,\* from the Right Honourable the Secretary of State for the Colonies, on the subject of post-war control of raw materials, Ministers have the honour to forward copy of a letter dated 17th July, 1918, addressed to the Inspector of Mines, Pretoria, by Mr. A. A. Auret, wherein certain suggestions are made which bear on the question of post-war control.

It is confirmed that the Straits Trading Company, Singapore, makes advances against South African tin ore shipped, as stated by Mr. Auret.

Ministers have the honour to suggest that a copy of Mr. Auret's letter be transmitted to the Right Honourable the Secretary of State for the Colonies for consideration.

N. J. DE WET.

The Inspector of Mines,  
Pretoria.

SIR,

P.O. Box 858, Johannesburg, 17th July, 1918.

Re PRODUCTION OF TUNGSTEN AND OTHER ORES.

WITH reference to your request for any suggestions which would tend to ensure the continued sale of the Union's minerals, such as tin, tungsten, copper, etc., to British firms and consumers after the War, I am of opinion that a great deal could be done in this direction if mines and other producers were offered better facilities for the purchase of their ores or concentrates than exist at present.

In the case of the Stavoren Tin Mining Company, Limited, which I represent, our tungsten ores are requisitioned by the Imperial Government and paid for on delivery and assay in England at a fixed price of 60s. per unit w.o.3, plus certain allowances for the increase in shipping and insurance charges since September, 1915.

This is satisfactory up to a certain point; but the fact that we are only paid on delivery in England, which takes anything from four to six months from the date of dispatch of shipments from our mine, is a very serious handicap to individuals or small companies such as ours, where working expenses, interest, freight, and other charges have to be met as they are incurred.

This difficulty could be overcome by the institution in the Union of South Africa, under the aegis of the Mines Department or the banks, of facilities whereby producers, on exhibiting consignments notes and assay certificates for parcels of ore, would be enabled to draw up to, say, eighty per cent. or ninety per cent. of estimated net values immediately, balance being adjusted on arrival of shipments in England.

The Straits Trading Company, of Singapore (a British company), has for years purchased tin concentrates in South Africa under a similar arrangement, which

\* Printed on pages 221-222 of Dominions No. 69.



has worked satisfactorily, and I understand that in Australia the Ministry of Munitions has a scheme in operation under which the Commonwealth Government purchases and pays for tungsten and other ores on the spot.

Were the Imperial Government, or large manufacturing firms of the United Kingdom, to inaugurate this system of local purchases, or advances, in the Union of South Africa, at the present juncture they would build up a connexion with mines or producers of ores or other raw materials which should very materially assist to keep the control of these in British hands after the War.

I have, &c.,

A. A. AURET.

55522

No. 259.

# UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 19th November, 1918.)

(Confidential.)

SIR, Governor-General's Office, Pretoria, 3rd October, 1918.

I HAVE the honour to transmit to you herewith, with reference to my despatch Confidential, of the 13th July, 1918,\* copy of a minute from Ministers (with enclosures), dated 25th September, 1918, on the subject of post-war control of raw materials.

I have &c.,

BUXTON,

Governor-General.

Enclosure in No. 259.

(Minute No. 1569.)

Prime Minister's Office, Pretoria, 25th September, 1918.

MINISTERS have the honour to acknowledge receipt of His Excellency the Governor-General's minute No. 62/1014, of the 18th of July, 1918, forwarding copies of the reports on raw materials drawn up by the committee on the trade relations of the United Kingdom within the Empire.

A telegraphic summary of these reports, dated 13th April, 1918,† was transmitted to Ministers under cover of His Excellency's minute No. 62/990, of the 18th of April, 1918, and Ministers' reply thereto, No. 1146, of the 10th of July, 1918, dealt specifically with the production of certain minerals in the Union and the question of their post-war control.

Ministers have the honour to state that the remaining raw materials mentioned in the telegraphic summary, viz., cotton, jute, wool, hides and skins (including leather), rubber, oleaginous produce, flax, hemp, and timber have since formed the subject of special investigation with a view to ascertaining the Union's probable post-war requirements, as requested by the Secretary of State in the last paragraph of the telegram referred to above. Information under each of these heads will be found summarized in the attached statements. As regards:—

## Cotton.

### I. Production in the Union.—

(a)		lb. Lint.	Valued at
1912	...	32,025	£819
1913	...	32,471	811
1914	...	71,564	2,179
1915	...	215,990	6,341
1916	...	227,562	7,927
1917	...	221,673	12,697

(b) Owing to climatic considerations cotton-growing in the Union will be confined largely to the middle and low veld. The area in this belt which is suitable for the crop is estimated to be approximately 100,000 acres, with an estimated production of sixty million lb. seed cotton (twenty million lb. lint).

\* No. 256.

† Printed on pages 221-222 of Dominions No. 69.

(c) The present quality of South African cotton may be compared as being from  $\frac{1}{2}$ d. to 1d. higher than American Middlings.

(d) The principal financial company interested in the cultivation of the crop is the Transvaal Estates and Development Company. Certain private farmers are extending their sowings considerably, while farmers' associations exist in certain localities for dealing with the cotton crop.

### II. Consumption in the Union.—

(a)		Estimated lb. Lint.	Valued at
1914	...	30,000	£933
1915	...	100,000	3,125
1916	...	100,000	3,958
1917	...	175,000*	8,750

(b) The uses to which cotton lint is put locally are, in order of importance: Woollen blankets (manufactured at Woodstock, near Cape Town), explosives, upholstery. In addition, the by-products, cotton seed, are crushed (after seeding requirements have been met) and sold as cotton seed meal, and linters, which are used for explosives and upholstery.

(c) It is considered that the local consumption of cotton in respect of the above-named will increase to a considerable extent, but (failing the establishment of cotton industries on a large scale in this country) the bulk of the crop will be available for export.

III. Imports into the Union.—Raw cotton is not imported into the Union, but the following statistics regarding the importations of manufactured cotton goods, etc., will indicate the Union's requirements:—

Cotton piece goods, hosiery, etc., but not including canvas and duck, nor collodion and gun cotton:—

	Value.
1912	£3,237,058
1913	3,210,741
1914	2,862,378
1915	3,314,719
1916	5,354,687
1917	5,655,485

Cotton seed oil (salad oil and oil non-edible):—

	Value.
1912	£39,794
1913	59,199
1914	51,180
1915	48,606
1916	52,532
1917	35,868

The sources of supply are principally the United Kingdom and the United States of America.

### IV. Exports, produce of the Union.—

	lb. Lint.	Value.
1912	32,025	£819
1913	32,471	811
1914	41,564	1,246
1915	115,990	3,216
1916	127,562	3,969
1917	46,673	3,947

Exported principally to the United Kingdom; Japan imports a small quantity.

V. Post-war Requirements.—The Union's post-war requirements in respect of manufactured cotton goods may be estimated at approximately £6,000,000 per annum. Unfortunately statistics of quantities in respect of this amount are not available.

### Jute.

There is no local production under this head at the present time. It is anticipated, however, that when normal conditions have been restored and machinery is

\* A portion of this quantity may eventually be exported.



available for import there will be industrial development in the use of *Hibiscus Cannabinus*—a local fibre closely allied to Bimlipatam jute—for the manufacture of hessian and bagging.

The following is a statement of the value of imports of hessian and bagging into the Union for the last four years: 1914, £48,528; 1915, £26,542; 1916, £36,863; 1917, £98,827.

*Post-War Requirements.*—An average of the foregoing figures, viz., £52,000, may be taken as reflecting the value of the Union's requirements for at least two years after the cessation of hostilities.

#### Wool.

*I. Domestic Production: Exports.*—(a) The bulk of the wool produced in the Union is exported oversea, consequently the export statistics may be taken as reflecting the country's total production, with the exception of a negligible percentage which is consumed locally:—

	lb.	Value.
1905 ... ..	77,187,226	—
1909 ... ..	130,981,518	—
1911 ... ..	132,207,829	£3,899,828
1912 ... ..	161,974,684	4,780,594
1913 ... ..	176,971,865	5,719,288
1914 ... ..	133,981,317	4,238,205
1915 ... ..	170,003,173	5,380,031
1916 ... ..	136,395,191	6,601,376
1917 ... ..	117,657,142	8,782,280

In addition to the above must be taken into account the quantity of wool awaiting shipment on the 31st December, 1917, amounting to approximately 51,312,800 lb.

(b) Speaking in general terms, the country suitable for sheep rearing is fully stocked in the Cape, Orange Free State, and Natal Provinces, so that future developments in wool production may be expected from the Transvaal only. Both in the number of sheep running per morgen and the availability of suitable country there is room for wide expansion, and such expansion is rapidly taking place, especially in the Western Transvaal. It was estimated that on the 31st December, 1916, there were 4,493,500 sheep in the Transvaal, and it is considered that the province is capable of carrying double this number of sheep.

In regard to the quality of the Union's wool, this is improving yearly and will soon compare favourably with the produce of any of the other wool-producing countries.

Prior to the War the bulk of the Union's wool was shipped to the United Kingdom, where a large proportion was marketed and distributed. The following table shows the disposal per direct shipment of South African wool prior to the War:—

	United Kingdom.	Germany.	
1910 ... ..	51%	37%	Balance to Belgium, etc.
1911 ... ..	53%	31%	" "
1912 ... ..	59%	28%	" "
1913 (Grease) ...	53%	31%	" "

The above percentage, however, does not comprise the total quantity of South African wool purchased by Germany, as purchases of the wool shipped to the United Kingdom were made in London on behalf of Germany.

Since the War the usual trade channels have been changed and the produce has been, to a large extent, diverted to other countries. The export returns for the calendar year 1917 show the following distribution: Scoured wool—To United Kingdom, eight per cent.; to Japan, nine per cent.; to United States of America, eighty-two per cent. Grease wool—To United Kingdom, eighteen per cent.; to Japan, thirty-four per cent.; to United States of America, forty-five per cent.

*II. Domestic Consumption: Imports.*—As compared with the total production the quantity of wool used for local manufacture is negligible and has no economic bearing of importance at present.

The Union's post-war requirements in woollen manufactures are reflected in the following import statistics:—

	Woollen Piece Goods.	Woollen Manufactures.
	Value.	Value.
1913 ... ..	£342,680	£471,206
1914 ... ..	286,729	392,571
1915 ... ..	366,642	350,830
1916 ... ..	456,954	497,113
1917 ... ..	429,576	555,597

The bulk of these goods are imported from the United Kingdom.

#### Hides and Skins.

*I. Domestic Production: Exports.*—Apart from the material used on the farm for harness, footwear, etc., of which no estimate can be made, and of that consumed in local industries (which is dealt with under the heading "Leather"), the bulk of the Union's hides and skins are exported, and the following return of exports will indicate the extent of the country's production in these materials:—

#### Hides (Ox and Cow).

	lb.	Value.
1911 ... ..	13,211,734	£370,548
1912 ... ..	20,428,461	670,887
1913 ... ..	21,279,840	794,937
1914 ... ..	14,673,065	544,050
1915 ... ..	15,304,911	575,945
1916 ... ..	19,450,001	811,338
1917 ... ..	17,304,022	836,505

#### Skins (Sheep and Goat).

1911 ... ..	31,536,597	840,979
1912 ... ..	37,241,136	1,020,127
1913 ... ..	41,301,091	1,215,547
1914 ... ..	38,294,827	1,023,443
1915 ... ..	45,531,214	1,092,465
1916 ... ..	38,923,749	1,498,819
1917 ... ..	29,404,020	1,794,480

The above figures are not complete, in view of the fact that, owing to shortage of freight, stocks of hides and skins had to be held over. There is no definite information as to the quantity affected, but in view of the large increase in the export of meat, and other factors, it is not unlikely that, were shipping available, the exports of hides in 1917 would, at least, have been as great as in the last normal year before the War—1913. In so far as skins are concerned there is also no definite statistical information regarding the stocks awaiting shipment on the 31st December, 1917, but it is known that on the 31st October previous there were 21,419 bales at the ports sold for account of the United Kingdom and awaiting shipment; this quantity, moreover, did not include sales for America or other account, nor did it include unsold stocks.

*II. Domestic Consumption: Imports.*—According to the Customs returns, a small quantity of hides and skins is imported into the Union; this was valued at £12,803 in 1913, and during the four years since has averaged £38,470 yearly.

The consumption of hides and skins for local industrial purposes is shown under the heading "Leather," as also the importations of leather and leather manufactures.

#### Leather.

*I. Domestic Production: Exports.*—The statistical information from which the Union's production of leather can be deduced is scant. The following figures, showing the exports of the article and the light thrown on the subject by the industrial census for the year 1915-16, may be taken in conjunction, as indicating the extent of the Union's production. It is understood that the industrial census of 1918, now being compiled, will show a considerable expansion in the leather industry, and it would be necessary to take these figures into account when they are available:—



*Manufactured Leather.*

	Value.
1911 ... ..	£2,580
1912 ... ..	1,950
1913 ... ..	2,057
1914 ... ..	1,412
1915 ... ..	4,804
1916 ... ..	12,561
1917 ... ..	25,132

*Unmanufactured Leather.*

	lb.	Value.
1911 ... ..	4,444	£358
1912 ... ..	4,484	380
1913 ... ..	2,497	226
1914 ... ..	3,045	292
1915 ... ..	15,845	1,710
1916 ... ..	85,534	8,917
1917 ... ..	67,534	9,564

Particulars of certain materials used or treated and of articles produced :—

*Fellmongeries.*

Value of hides and skins treated ... ..	£142,500
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*Tanneries.*

Value of leather produced ... ..	455,154
Hides and skins tanned ... ..	270,413

*Boot and Shoe Factories....*

Value of boots, shoes, veldschoens, etc., made	493,044
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II. *Domestic Consumption: Imports.*—The figures given above, being extracts from the Industrial Census, 1917, will indicate the extent to which the South African product is required locally; these figures, as already pointed out, are expected to show substantial increases in the census of 1918, now being compiled.

The Union's requirements in leather goods are met principally by imports from overseas, as shown in the following table :—

	Leather un-manufactured.	Boots and Shoes.	Saddlery and Harness.	Leather Manufactures.	Total.
1911 ... ..	£194,534	£1,157,304	£75,343	£122,165	£1,549,346
1912 ... ..	201,397	1,267,376	81,825	135,064	1,685,662
1913 ... ..	213,651	1,246,495	69,587	126,874	1,656,607
1914 ... ..	162,053	1,122,196	41,716	80,358	1,406,323
1915 ... ..	233,513	1,011,565	6,796	53,234	1,305,108
1916 ... ..	120,203	1,557,843	7,323	74,375	1,759,744
1917 ... ..	111,534	930,277	11,500	57,151	1,110,462

These goods are imported chiefly from the United Kingdom and the United States of America.

*Post-War Requirements.*—The Union's post-war import requirements of leather and leather goods may be assessed at approximately one-and-a-half million sterling. The importation of upper leather from India is being encouraged, and is likely to increase in future.

*Rubber.*

There is no local production of raw rubber, but a considerable trade is being developed in importations from Belgian Congo, which amounted in 1917 to nearly £30,000. A consignment was also received from East Africa during the present year.

The rubber manufacturing industry is established in the Union, and the demand for raw materials in this connexion will probably increase.

The Union's post-war requirements for raw rubber will probably fall between £50,000 and £100,000 per annum, dependent upon the development of the local manufacturing industry.

The following figures show the value of imports of manufactured rubber goods for the last three years, and the 1917 figures may be taken as representing the Union's minimum annual requirements in this respect: 1915, £323,441; 1916, £498,421; 1917, £576,410.

*Oleaginous Nuts and Seeds.*—The ground-nut is the only oleaginous nut which is cultivated to any extent.

The country is suitable for the production of castor oil beans, linseed, sunflower, cotton seed (see "Cotton") olives, soya beans, etc., but these products are not found to any extent. On the other hand reference to the Customs returns of imports will show that large quantities of vegetable oils (castor, colza, rape, cotton seed, linseed, coco-nut, and palm, and palm kernel) are imported to meet the Union's requirements. The post-war requirements of the Union of these oils, generally, depend mainly upon the expansion of soap-making, paint, and other industries requiring these products, but it is considered that there is not likely to be any diminution, at least in the imports required at present to meet the country's requirements.

In regard to ground-nuts, the following information is available :—

	lb.
According to the census of 1911, the total production of the Union was ... ..	4,312,900
While there were imported into the Union during the calendar year, 1917 ... ..	2,526,306
From which it is estimated that the Union's consumption in 1917 was ... ..	6,839,206
Less exported in 1917 ... ..	1,974
Total	6,837,232

*Post-War Requirements.*—As indicating the Union's dependence on imported supplies, the following table of imports since 1910 is given :—

	lb.	Value.
1910 ... ..	2,850,798	£16,593
1911 ... ..	2,526,306	15,889
1912 ... ..	4,134,322	28,174
1913 ... ..	2,803,453	19,119
1914 ... ..	2,919,008	18,148
1915 ... ..	3,141,597	15,567
1916 ... ..	4,184,079	24,307
1917 ... ..	3,088,073	17,895

These importations were principally from Portuguese East Africa and China. The exports are negligible, the annual average during the three years prior to the War being 3,800 lb., and the four years since 1920, 102,000 lb.

*Flax and Hemp.*—Neither of these raw materials is produced in the Union. Small crops of linseed are grown for local consumption, but the quantity is negligible.

*Post-War Requirements.*—The Union's requirements are reflected in the following import figures, which include, under A, linen piece goods, hosiery, underclothing, etc., and under B, cordage and rope :—

	A.	B.
1914 ... ..	£49,741	£43,087
1915 ... ..	36,863	58,550
1916 ... ..	43,747	75,589
1917 ... ..	32,081	76,080

*Timber.*

The area under dense high forest in the Union is approximately 500,000 acres, of which four-fifths belong to Government.

A considerable quantity of this timber consists of yellow wood, which is of value for building purposes, and the balance is of value for the wagon-making and furniture industries.



There are between 200,000 and 300,000 acres under black wattle, cultivated for the production of tannin and mine timber.

There are some 70,000 acres planted with exotics, such as eucalyptus and pine. The tendency is towards the cultivation of pines, which have proved suitable to the country.

The only woods exported are kamassi and box. Of the former approximately 1,500 tons per annum are available for export. The bulk of this used to go to Germany. About 1,000 tons of box were exported annually to Great Britain in normal times.

The value of imported timbers in a manufactured and unmanufactured state amounts to approximately £1,400,000, and, pending a thorough and careful survey of the Union's timber resources, which has been recommended and will probably occupy a period of several years, the foregoing figure may be regarded as the Union's minimum post-war requirements for some considerable time after normal conditions have been restored.

N. J. DE WET.

# RESOLUTION V.—IMPERIAL MEAT SUPPLIES.

The Conference welcomes co-operation among the Governments of the Empire to ensure that the Empire shall become as far as possible self-sufficing in the matter of meat supplies, and recommends the examination by the Governments concerned of the recommendations of the Committee upon Imperial Meat Resources, and the adoption of such legislative and administrative measures as are required for such development within the Empire as will secure this object.

39987

No. 260.

COLONIAL OFFICE to THE BOARD OF TRADE.

[Answered by No. 261.]

(Confidential.)

SIR,

Downing Street, 28th August, 1918.

WITH reference to the letter from this Department of the 5th of August,\* and connected correspondence on the question of Imperial meat supplies, I am directed by Mr. Secretary Long to request you to inform the Board of Trade that, in view of the resolution passed by the Imperial War Conference, it appears desirable to transmit to the Self-governing Dominions a copy of the report of the Committee on Imperial Meat Resources, together with the proceedings of the Conference on the subject, and to invite the observations of the Dominion Governments upon the report.

2. Before doing this Mr. Long would be glad to learn what action the Board of Trade proposes to take (a) as regards reconvening the Conference on Meat Supplies, (b) as regards the price of supplies from Australia and New Zealand. I am also to inquire whether the Board of Trade are in a position to make any statement as regards the policy of His Majesty's Government with reference to the proposals in the Committee's report.

3. Copies of this letter are being forwarded to the Ministry of Shipping, Treasury, Ministry of Food, and Board of Agriculture and Fisheries.

I am, &c.,

G. GRINDLE.

43018

No. 261.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 4th September, 1918.)

[Answered by No. 265.]

Board of Trade, Gwydyr House,

SIR,

Whitehall, London, S.W.1, 3rd September, 1918.

I AM directed by the Board of Trade to acknowledge the receipt of Mr. Grindle's letter of 28th August† on the subject of Imperial meat supplies, and to say, in reply, for the information of Mr. Secretary Long, that they propose to reconvene the Conference on Meat Supplies at an early date. Meanwhile, they are not in a position to make any statement as regards the policy of His Majesty's Government with reference to the proposals in the report of the Committee on Imperial Meat Resources.

I am, &c.,

GARNHAM ROPER.

\* 35776: not printed. This and previous letters contained the Proceedings at the Imperial War Conference, 1918, as to meat supplies.  
† No. 260.



47784

No. 262.

## NEW ZEALAND

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.50 p.m., 10th October, 1918.)

TELEGRAM.

[Answered by No. 264.]

(Paraphrase.)

QUESTION of meat supplies, with special reference to large importations from United States of America into United Kingdom this year, and relation of price paid for purchases there, to that given for supplies from Australia and New Zealand, was amongst subjects discussed at Imperial War Conference this year. Your Prime Minister, before leaving, consulted me as to what could be published. He pointed out that he would be pressed for information as to what took place, as the matter would certainly be brought up in the New Zealand Parliament. I consulted Ministers concerned, at his wish, with reference to possible publication of a letter which he wrote to Chancellor of Exchequer, 23rd August, or alternatively of proceedings at Imperial War Conference, dealing with the meat question and report of Committee, which was discussed there. I informed your Prime Minister before he left that I found that Ministers responsible could not agree to publication of his letter to Chancellor of Exchequer.

Secretary of State for Foreign Affairs considers, as regards publication of Conference proceedings and report of Committee, that, from point of view of our foreign relations, this would be open to grave objection for several reasons. In the first place, considerable resentment might be caused in United States by adverse criticism of United States Meat Trust, which report contains, as coming from British Official source, while any facts as to success of Trust in crushing British competition South America which it reveals would probably serve to mitigate dislike felt for Trust in United States.

Secondly, it is considered very undesirable that any unnecessary publicity should be given to proposal in report to control Argentine and Uruguayan meat trade by means of establishment in those countries of subsidized or State-owned British-producing businesses, as such a scheme would inevitably be regarded in the two Republics with some disfavour, and should, therefore, be introduced as unobtrusively as possible.

Thirdly, it is thought that proceedings would provide material which could be used extensively for purpose of enemy propaganda, and if manipulated might be made ground for such assertions as that New Zealand would profit by joining herself to United States, that Imperial preference has been proved almost impossible, that oversea producers were being exploited for advantage of Meat Trust, or that German submarine warfare has justified itself by troubles produced by scarcity of tonnage in meat supply question. Secretary of State for Foreign Affairs consulted Lord Reading, who concurred as regards United States in views stated above.

In the circumstances, we hope that your Prime Minister will recognize that any quotation from, or reference to, detailed proceedings at Imperial War Conference is not possible. We appreciate at the same time the cogency of the reasons which he advanced for a public statement in New Zealand Parliament, and we can have no objection to his making a statement as to nature of action on behalf of New Zealand producers which he took whilst in United Kingdom. We hope, however, that he will make clear the difficulties which led His Majesty's Government to secure increased supplies of meat from North America, and in a separate telegram \* I am sending you a statement drawn up by Food Controller which it is hoped your Prime Minister will give making his statement in the New Zealand Parliament.—LONG.

\* No. 263.

47784

No. 263.

## NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 9.35 p.m., 10th October, 1918.)

TELEGRAM.

My telegram of 10th October.\* Following is statement of Food Controller as regards North American meat:—

*Begins.*—1. During last five months 1917 maximum wholesale prices for dead meat were fixed on a descending scale in order to bring prices live stock United Kingdom step by step into closer relation with cost production. At the same time considerable purchases home-produced cattle made by Army, in order to build up reserve imported supplies meet scarcity brought about by shortage tonnage transport refrigerated meat.

2. During early months 1918 there was most serious shortage cattle for slaughter, due partly heavier slaughter autumn 1917, partly the shortage feeding stuffs. For five weeks ending 5th January average number cattle slaughtered 57,000. For the five weeks ending 9th February average fell 33,000.

3. Following table shows position as regards supply meat civilians early months 1918 as compared with supplies previous year:—Civilian consumption of butchers' meat (beef and veal, mutton, fresh pork, and offals). Here insert table under four headings, as follows, in hundreds of tons:—

(a) 1917.	(b) Home produced.	(c) Imported.	(d) Total.
January ... ..	1,104	261	1,365
February ... ..	1,006	210	1,216
March ... ..	1,101	164	1,265
April ... ..	1,083	168	1,251
May ... ..	1,087	176	1,263
June ... ..	911	163	1,074

Similar table for 1918.

January ... ..	735	208	943
February ... ..	623	170	793
March ... ..	645	200	845
April ... ..	597	210	807
May ... ..	468	272	740
June ... ..	449	335	784

Similar table showing average monthly supply in tons:—

January-June, 1917	104,866	19,033	123,900
January-June, 1918	58,616	23,260	81,866

Acute shortage meat experienced January and February led to formation meat queues, and accentuated industrial unrest, which was assuming alarming proportions at the time. Police reports show that there were over one-and-a-half million persons standing in queues during week ending 2nd February in Metropolitan Police District alone. Seriousness of the situation caused intense anxiety and alarm to the Government.

4. It will be observed that not only were home-produced supplies meat very short but imported supplies available for civilians also below normal January and February. Owing to the continual demands for British, French, Italian Armies, only small proportion (twenty-three per cent.) supplies of meat from Australasia could be released for British civilian population (January-June inclusive proportion was 80,000 tons for the armies and 24,000 tons for the civilians), and at the same time Allied armies were taking eighty-seven per cent. South American imports (247,000 tons against 38,000 for civilians). Only course left open, there-

\* No. 262.



fore, for relieving severe scarcity civilian supplies was to purchase large quantities meat North America and to divert necessary refrigerated tonnage bring it across since possible obtain seven cargoes meat North America in the same time as two from Australasia and three from South America, moreover, serious military situation rendered vital concentrate all available ships Atlantic route in order to transport American troops France. Result, during first six months 1918 sixty-four per cent. or 115,000 tons of imported civilian meat supply (out of total 180,000 tons imported for civilians) was derived from North America.

5. In spite of supplies received North America consumption meat civilian population 1918 extremely low in comparison with previous years, as following table of index numbers shows (taking 100 as average monthly consumption 1917). Insert table under four headings, as follows:—

(a) Month.	(b) 1916.	(c) 1917.	(d) 1918.
January	118	108	74
February	114	96	63
March	119	100	67
April	105	99	64
May	100	100	58
June	95	85	62
July	97	90	71
August	101	104	80

Same point illustrated by the fact that average pre-War consumption meat 2 lb. per head per week, whereas meat ration, excluding bacon, when rationing scheme began 7th April, 1918, 15 oz., and had to be lowered almost at once to 10 oz. It was raised to 16 oz. 19th May, and 20 oz. 28th July, and it has now been reduced again to 15 oz. If supplies had not been purchased North America, it would have meant that these rations would have been reduced by more than one-half, causing intense hardship, great dissatisfaction, and probably serious industrial disorder.

6. Efforts of American Food Administration have been directed rather towards increased production for sake of Allies than towards restricting prices, but Mr. Hoover's administration has done what it could control prices paid producers and profits gained by meat packers, and practically all increase of price which has taken place has gone farmers. Allies have been secured identical treatment as regards price with American Government and American public; no action on the part of British or Allied Governments could possibly secure better terms than this, and supplies can be obtained on no other.

7. Policy Ministry Food has been pool supplies and sell meat at an average price to consumer, giving him full advantage any profits or rebates, and making no net profits itself; profit so made on Australasian supplies resold to the civilian population United Kingdom at a margin of 2.4d. per lb. would amount to about £437,700, whereas loss incurred through resale North American meat below cost price approximately £5,152,000. Price Australasian meat could not affect price paid to the Americans, and any saving made former contributes directly to reduction price to the consumer. *Ends.*—LONG.

50412

No. 264.

## NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.18 p.m., 19th October, 1918.)

TELEGRAM.

(Paraphrase.)

WITH reference to your telegram 10th October,\* as to meat supplies, Prime Minister states that he must explain position to Parliament, but that he will do so without reference to proceedings at Imperial Conference, although the making confidential of the report of the discussion at the Conference will have bad effect.

\* No. 262.

especially as recent disclosures with regard to operations of the Meat Trust by United States Government Commission have accentuated the dissatisfaction and will make it more difficult to explain the transactions which have taken place. Prime Minister hopes that for the future more satisfactory arrangements will be made.—LIVERPOOL.

43018

No. 265.

COLONIAL OFFICE to BOARD OF TRADE.

[Answered by No. 266.]

SIR,

Downing Street, 24th October, 1918.

I AM directed by Mr. Secretary Long to refer to your letter of the 3rd of September,\* regarding the reconvening of the Conference on Meat Supplies, and to inquire what is the present position of the matter.

I am, &amp;c.,

HENRY LAMBERT.

52561

No. 266.

BOARD OF TRADE to COLONIAL OFFICE.

(Received 1st November, 1918.)

Board of Trade, Gwydyr House,

SIR,

Whitehall, London, S.W.1., 30th October, 1918.

I AM directed by the Board of Trade to acknowledge the receipt of Mr. Lambert's letter of 24th October,† on the subject of the Conference on Meat Supplies, and to say, in reply, for the information of Mr. Secretary Long, that they are discussing certain matters arising out of the report with the Ministry of Food and sections of the meat importing trade. They hope to convene the Conference again at an early date.

I have, &amp;c.,

GARNHAM ROPER.

\* No. 261.

† No. 265.



## RESOLUTION VI.: ENEMY DEBTS.

The Conference having had under consideration the Report of the Enemy Debts Committee, dated 23rd January, 1918, and a secret memorandum\* dealing with returns made in regard to debts and property, expresses general approval of the principles recommended by the Enemy Debts Committee in their Report, dated 23rd January, 1918, for the settlement of pre-War debts by Government intervention by means of a clearing scheme, and agrees that in the event of these principles being accepted by the Governments of the Allied Powers, the Governments of the Dominions should appoint delegates to confer in this country with representatives to be appointed by His Majesty's Government as to:—

(a) Legislation necessary to give effect to the recommendations of the Committee in the event of the same being adopted in whole or in part by arrangements with the enemy Governments made in the Treaty of Peace.

(b) Questions on which recommendations have been made by the Enemy Debts Committee which will require legislative action in any event.

*Secretariat Note.*—The correspondence with the Dominion Governments in 1918 following on this resolution is not printed, in view of the discussions at the Peace Conference in Paris and the provisions ultimately included in Part X., chapter V., section III., of the Treaty with Germany.

\* The Memorandum and Report are printed on pages 291-337 of Dominions No. 69.

## RESOLUTION VII.: IMPERIAL BUREAU OF MYCOLOGY.

It is agreed that it is desirable to establish an Imperial Bureau of Mycology for the purpose of supplementing the work of the Imperial Bureau of Entomology, and to obtain the necessary funds for its maintenance by suitable contributions from the Imperial Government, the Governments of the Dominions and India, and of the other Oversea Possessions, as suggested in the Memorandum\* laid before the Conference.

39989

No. 267.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada. No. 478.)

(Commonwealth of Australia. No. 416.)

(New Zealand. No. 209.)

(Union of South Africa. No. 501.)

(Newfoundland. No. 125.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 14th November, 1918.

As [Your Excellency's] [your] Ministers are aware, an Imperial Bureau of Entomology was established in this country in 1913, one of the objects of which was the encouragement and co-ordination of entomological work throughout the Empire in relation to agriculture.

2. The Committee of Management consists of some of the foremost men of science in this country, with Viscount Harcourt as their Chairman, and the Head Office is at the Natural History Museum in South Kensington. Reports on the work of the Bureau have been presented from time to time to Parliament, and its periodical publications have no doubt been brought to your Ministers' notice.

3. The activities of the Bureau have been manifold, and, without attempting to describe them in detail, I think that it is generally admitted that a vast amount of useful work has been accomplished, and that there has been ample justification for the contributions which different parts of the Empire were asked to make towards the cost of the upkeep of the organization.

4. It has, however, long been felt in certain quarters that an organization which has proved its value so fully should be supplemented by a Bureau which would deal with the other great class of destructive agencies in agriculture, namely, the fungoid diseases of plants. A scheme for the establishment of a Bureau dealing with this side of agriculture, and to be styled the Imperial Bureau of Mycology was laid before the recent Imperial War Conference, and I enclose a copy of the resolution which was unanimously adopted on the subject. The proceedings and the memorandum laid before the Conference will be found on pages 69-71 and 231-2 of [Cd. 9177]. As only a reduced programme of work could be undertaken during the War, it was considered that it would be sufficient in the first instance to provide a sum of £2,000 a year for three years for the upkeep of the Bureau. The proposed contributions from the Self-governing Dominions and India are set out in the memorandum.

5. Suitable accommodation can be found for the Bureau at Kew, where it will work in close co-operation with the Director and staff of the Royal Gardens and will have at its disposal the Library and Mycological Museum of that Institution.

[Not to Newfoundland:] 6. I should be glad if your Government would arrange for the sum named in the memorandum as the proposed contribution from [Canada, viz., £250,] [Australia, viz., £150,] [New Zealand, viz., £100,] [the Union of South Africa, viz., £150,] to be paid in due course to the Crown Agents for the Colonies, and for similar payments to be made during the two succeeding years.]

I have, &c.,

WALTER H. LONG.

\* See pages 231-2 of [Cd. 9177].



## RESOLUTION VIII.: IMPERIAL STATISTICS.

The Imperial War Conference having considered the correspondence as to the improvement of Imperial Statistics arising out of the recommendations of the Dominions Royal Commission, is in favour of the proposal to hold a Conference of Statisticians after the War, and that such Conference consider the establishment of an Imperial Statistical Bureau under the supervision of an Inter-Imperial Committee.

*Secretariat Note.*—No correspondence with the Dominion Governments with regard to this Resolution took place until 1919.

## RESOLUTION IX.: IMPERIAL NEWS SERVICE.

The Imperial War Conference is impressed with the importance of securing (a) that an adequate news service should be available in all parts of the British Empire, and (b) that this service should be supplied through British sources. The Conference requests His Majesty's Government to formulate a scheme with these objects in view, on the lines indicated in the Memorandum prepared by the Minister of Information, and to submit this scheme for the consideration of the Governments represented at the Conference.

*Secretariat Note.*—No correspondence with the Dominion Governments with regard to this Resolution took place until 1919.

WALTER H. LONG

THE SECRETARY OF STATE FOR THE DOMINIONS  
AND GOVERNOR

With reference to my despatch of 10th October 1918, I have the pleasure to inform you that the Imperial War Conference has decided to hold a Conference of Statisticians after the War, and that such Conference consider the establishment of an Imperial Statistical Bureau under the supervision of an Inter-Imperial Committee.

WALTER H. LONG



## RESOLUTION X: DYE MANUFACTURING INDUSTRY.

The Conference takes note of the action taken and contemplated by His Majesty's Government with a view to freeing the industry of the United Kingdom from dependence on German dyestuffs, and recommends the Governments of the Empire to consider immediately what steps can be taken to co-operate with the efforts of the Imperial Government to promote the successful development of the dye industry in the British Empire and so to avoid enemy domination over our essential industries.

39992

No. 268.

## THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.

Dominions No. 628.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 31st October, 1918.  
I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, a copy of Resolution No. X. on the subject of the dye manufacturing industry, which was passed at the Imperial War Conference, 1918, and to invite reference to pages 96-104 of the Blue Book relating to the proceedings of the Conference [Cd. 9177], which contains the discussion on the question.

2. His Majesty's Government would be glad if your Ministers would consider, in the light of the resolution, what action can be taken to co-operate in order to promote the successful development of the dye industry in the British Empire, and would in due course notify them of any steps which it is proposed to take in the matter.

I have, &c.,  
WALTER H. LONG.

39992

No. 269.

## THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.

Dominions No. 629. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 31st October, 1918.  
WITH reference to my despatch Dominions No. 628, of to-day,\* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a memorandum on the dye manufacturing industry† which was laid before the Imperial War Conference, 1918, but not included in the published discussions.

I have, &c.,  
WALTER H. LONG.

\* No. 268.

† Printed on pages 339-343 of Dominions No. 69.

55504

No. 270.

## THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.

Dominions No. 684.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 28th November, 1918.

WITH reference to my despatch Dominions No. 628, of the 31st October,\* I have the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of a Parliamentary paper† recently published containing a memorandum by the Board of Trade on the subject of State assistance to the dye industry.

I have, &c.,  
WALTER H. LONG.

\* No. 268.

† [Cd. 9194].



## RESOLUTION XI.:—SHIPPING.

The Conference accepts in principle the establishment of an Imperial Investigation Board and refers it to a Committee of the Conference to frame a detailed scheme for such a board.

The Conference agrees that it be also referred to the Committee to consider the best machinery for promoting the development of Imperial communications to the best advantage, with special reference to the probable size of vessels and the consequent demands upon harbour accommodation for the purposes of Imperial requirements, and to the Resolution handed in by the Prime Minister of New Zealand.

## RESOLUTION XXIV.:—SHIPPING.

(1) That in order to maintain satisfactorily the connections and, at the same time, encourage commercial and industrial relations, between the different countries of the British Empire, this Conference is of opinion that shipping on the principal routes, especially between the heart of the Empire and the Oversea Dominions, including India, should be brought under review by an Inter-Imperial Board on which the United Kingdom and the British Dominions and Dependencies should be represented.

(2) That for this purpose an Imperial Investigation Board, representing the various parts of the Empire, be appointed, with power to inquire into and report on all matters connected with ocean freights and facilities, and on all matters connected with the development and improvement of the sea communications between the different parts of the Empire, with special reference to the size and type of ships, and the capacities of harbours; the Board to include, in addition to representatives of the Governments concerned, persons with expert knowledge of the problems involved, including representatives of the shipping and trading interests.

54593

No. 271.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.	} Dominions No. 703.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 9th December, 1918.

WITH reference to Resolutions Nos. XI. and XXIV. of the Imperial War Conference, 1918, the discussions as to which are printed on pages 104-112 and 211-216 of Parliamentary Paper [Cd. 9177], I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of a memorandum embodying the proposals of His Majesty's Government for the constitution of an Imperial Investigation Board.

2. It will probably be found necessary to give the proposed Board the means of compelling in the last resort the attendance of witnesses and disclosure of information, and it is thought that this will involve the enactment of legislation by the various Governments concerned. Apart from this, however, there appears to be nothing in the scheme requiring statutory sanction in this country, and it is suggested that the Imperial Investigation Board might be set up in advance of any legislation that may subsequently be found necessary.

3. I shall be glad to be furnished, in due course, with the observations of your Ministers on the proposals contained in the memorandum, and to learn whom your Government would propose to nominate as its representative on the Board.

I have, &amp;c.,

WALTER H. LONG.

Enclosure in No. 271.

## SCHEME FOR THE CONSTITUTION OF AN IMPERIAL INVESTIGATION BOARD.

*Appointment and Constitution of the Board.*

THE Imperial Investigation Board to be appointed by the Crown for the purpose of reviewing questions relating to maritime transport and to the development of the sea communications of the Empire.

The Board to consist of an independent Chairman appointed by the Crown; of eight official members nominated by the Colonial Office, India Office, Board of Trade, the Dominion of Canada, Commonwealth of Australia, Dominion of New Zealand, Union of South Africa, and Colony of Newfoundland; and of four unofficial members, two experienced in shipping, and two experienced in commerce, appointed by the Board of Trade after consultation with the Dominions.

The Chairman to be appointed for a term of seven years, and the members for one of three years, but either to be eligible for reappointment.

The Chairman to be salaried, and the non-official members paid by fees. Payment of the official members to be at the discretion of the nominating Governments.

The Board to make rules regarding their procedure, as, for example, the number and qualifications of members to deal with particular cases or classes of questions (including, if thought fit, a provision that, when the Board is sitting judicially to consider a complaint, official representatives of parts of the Empire not affected by the case would not sit).

The Board to sit in any part of His Majesty's dominions as it thinks fit.

*Functions of the Board.*

The functions of the Board to be:—

(1) *Freights, Facilities, and Conditions of Transport.*—To inquire into complaints from persons and bodies interested with regard to ocean freights, facilities, and conditions in the inter-Imperial trade, or into any question of a similar nature referred to them by any of the nominating authorities, and to report their conclusions to the Governments concerned.

The Board is also empowered to announce their conclusions publicly or otherwise, as they think fit. Any published report to be signed by the concurring members of the Board and any dissenting opinion of a member or members to be published at the same time.

(2) *Imperial Communications.*—To survey the facilities for maritime transport on such routes as appear to them to be necessary for trade within the Empire, and to make recommendations to the appropriate authority for the co-ordination and improvement of such facilities, whether with regard to the type, size, and speed of ships required for particular routes or purposes, the depth of water in docks or channels, the construction of harbour works, or similar matters.

For this purpose the Board to appoint, where necessary, in consultation with the appropriate authority, standing or temporary committees, including persons with expert knowledge, to investigate particular problems.



**RESOLUTION XII.: INTER-IMPERIAL PARCELS DELIVERY.**

The Conference considers it desirable, for the purpose of encouraging Imperial trade, that the present facilities for inter-Imperial parcels delivery should be enlarged, improved and co-ordinated, and recommends that the proposals contained in the Board of Trade memorandum should be examined by the Governments represented at the Conference with a view to the preparation of a detailed scheme designed to promote this object.

2354

No. 272.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 273, 274, 275, and 276.]

(Canada.	} Dominions No. 67.)
(Commonwealth of Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 31st January, 1918.

I HAVE the honour to request you to invite the attention of your Ministers to the Earl of Elgin's Circular despatch of the 28th of August, 1907\* [to Union of South Africa only: to the Governments of the Cape, Natal, Transvaal, and Orange River Colony,] relative to a proposal for the establishment of a service throughout the Empire for the collection of trade charges on letter packets and parcels sent by post. None of the self-governing Dominions was then prepared to participate in the service, and it is in force at present only with certain of the Crown Colonies.

2. From time to time the Postmaster-General has been urged to establish a service for the collection of trade charges on parcels exchanged by post between the United Kingdom and foreign countries. It is thought that such a service must be introduced after the War, at all events with allied, and probably also with neutral countries; and it is proposed to enter into negotiations with the view of introducing a service, applicable to parcels only, based on the system in force between countries which are parties to the Postal Union Parcel Post Convention.

3. This system is well known to the postal authorities of the Dominions, and it may commend itself to them more than the different system proposed to them in 1907. In any case the Postmaster-General would be averse from introducing a "cash on delivery" service between the United Kingdom and foreign countries without affording the Dominion Governments an opportunity of taking part.

4. He has, therefore, drawn up a draft of the formal agreement which would be necessary to govern the service with the Dominions, and he proposes to send a copy to the postal authorities of the various Dominions, together with a letter explaining points of Post Office detail and a formal request for their co-operation in the establishment of the service. I desire to commend this scheme to the consideration of your Ministers, who will, I trust, agree as to the desirability of adopting the proposed service as a means of improving trade relations within the Empire.

I have, &c.,

WALTER H. LONG.

29015

No. 273.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th June, 1918.)

(No. 84.)

SIR,

Wellington, 17th April, 1918.

I HAVE the honour to inform you that your despatch, Dominions No. 67, of the 31st January,† regarding a proposal for the establishment of a service throughout the Empire for the collection of trade charges on letter packets and parcels sent by post, has been laid before my Ministers.

\* 24693: not printed.

† No. 272.

2. I am informed that the New Zealand Government agree that the scheme calls for serious attention at the present time, and that Ministers are willing to give most favourable consideration to the proposals of the British Postmaster-General, when they are received. It is anticipated that these proposals will be found quite practicable in New Zealand.

I have, &c.,

LIVERPOOL,

Governor-General.

40474

No. 274.

UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th August, 1918.)

(No. 536.)

SIR,

Governor-General's Office, Pretoria, 5th July, 1918.

I HAVE the honour to transmit to you, herewith, with reference to your despatch, Dominions No. 67, of the 31st January, 1918,\* copy of a Minute from Ministers on the subject of the suggested establishment of a service for the collection of trade charges on letter packets and parcels sent by post.

I have, &c.,

BUXTON,

Governor-General.

Enclosure in No. 274.

MINUTE No. 1087.

Prime Minister's Office, Pretoria, 2nd July, 1918.

MINISTERS have the honour to refer to His Excellency the Governor-General's Minute No. 43/480 of the 15th March last, enclosing a copy of a despatch from the Right Honourable the Secretary of State for the Colonies regarding the proposed establishment of a service for the collection of trade charges on postal parcels exchanged between the United Kingdom and the Dominions, together with a copy of Lord Elgin's Circular Despatch of the 28th August, 1907. In reply, Ministers have to say that the question of the introduction of the cash-on-delivery system in the internal service of the Union of South Africa has engaged the attention of the Government for a number of years, but that owing to strong opposition on the part of the commercial community it has not, up to the present, been found desirable to provide the facilities. There is no doubt that still greater opposition would be encountered if it were proposed to establish such a system between the United Kingdom and the Union of South Africa, as the result would be the facilitation of direct relations between retailers in the United Kingdom and consumers in this country, thus eliminating the medium of the commercial houses in South Africa.

The underlying reasons for the opposition to the cash-on-delivery system in South Africa are similar to those which have hitherto led British retailers to resist its introduction in the internal service of the United Kingdom, but are probably more cogent, for business expenses in South Africa are far higher than those incurred in similar enterprises in Europe, and the service, although nominally reciprocal, would in practice be one-sided as the flow of "collect-on-delivery" traffic would be almost entirely from the United Kingdom, the Union having very little to export by parcel post.

It is fully recognised that the system would prove useful to the general public and fairly remunerative to the Post Office, but, in view of the ascertained objection of the commercial community, and the absence of a demand on the part of the general public for the facilities, Ministers, while quite agreed as to the desirability of improving trade relations within the Empire, feel that it is not practicable for

\* No. 272.



the present to introduce the proposed facilities. Further inquiries are, however, being made into the question of introducing the system within the Union itself, and if they result in its establishment in the internal service of the Union, the way will be made easier for the introduction of similar facilities between the United Kingdom and South Africa.

LOUIS BOTHA.

59815

No. 275.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 10th December, 1918.)

(No. 376.)

SIR, Governor-General's Office, Melbourne, 28th October, 1918.

REFERRING to your despatch No. 67, dated 31st January, 1918,\* relative to a proposal for the establishment of a service throughout the Empire for the collection of trade charges on letter packets and parcels sent by post, I have the honour, at the instance of my Prime Minister, to inform you that the Commonwealth Postal Authorities have received full details of the scheme from London, and that the Postmaster-General, after careful consideration of the matter, is unable to see his way to agree to the extension of the system beyond the limits of the Commonwealth. I may add that the Secretary, General Post Office, London, has been advised accordingly.

I have, &c.,  
R. M. FERGUSON,  
Governor-General.

17001

No. 276.

## NEWFOUNDLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 18th March, 1919.)

(No. 21.)

Extract.

MY LORD, Government House, St. John's, 4th March, 1919.

I enclose in original† a letter from Dr. Robinson‡ on the subject, in which he explains why he does not recommend the adoption of the service referred to between the United Kingdom and Newfoundland at the present time; and Ministers, so far as they can judge, coincide with this view.

I have, &c.,  
C. ALEXANDER HARRIS.

\* No. 272.

† Not printed.

‡ Postmaster-General of Newfoundland.

## RESOLUTION XIII.: CENTRAL EMIGRATION AUTHORITY.

The Imperial War Conference reaffirms the principle laid down by Resolution XXI. of the 1917 Conference, in favour of arrangements being made by which intending emigrants from the United Kingdom may be induced to settle in countries under the British Flag. It is of opinion that the representatives of the Oversea Dominions in the United Kingdom should keep in the closest touch with any new Body established by His Majesty's Government to supervise emigration from the United Kingdom. The Conference is of opinion that the appointment of a Consultative Committee, not to exceed ten members, on which representatives of the Oversea Dominions should sit, to advise any such Body, would afford the best means of co-operation.

*Secretariat Note.*—The correspondence arising out of this Resolution is printed, with other correspondence as to Oversea Settlement, in Dominions No. 60.



## RESOLUTION XIV.: CABLE COMMUNICATIONS.

That it is in the highest interests of the Empire that the rates for telegraphic communications between the United Kingdom, Canada, Australia, South Africa, and India should be further materially reduced as soon as practicable. That in order to ensure generally the cheapest and most secure telegraphic communication between the United Kingdom, Canada, Australia, and New Zealand it is desirable that they should co-operate in the provision of a State-owned cable across the Atlantic.

## (1) General Correspondence as to Reduction of Rates.

39996

No. 277.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD DUKE,

Downing Street, 31st December, 1918.

I HAVE the honour to request Your Excellency to draw the attention of your Ministers to the enclosed Resolution No. XIV., unanimously passed at the Imperial War Conference, 1918, regarding the cheapening of telegraphic rates between the United Kingdom, Canada, Australia, South Africa, and India, and the provision of a State-owned Atlantic cable. The discussion on the question is published on pages 125-132 of [Cd. 9177]. Reference may also be invited to Chapter XI. of the Final Report of the Dominions Royal Commission [Cd. 8462].

2. It seems convenient to deal first with the latter part of the resolution, and in this connexion your Ministers will be aware that arrangements were made last year to divert one of the German trans-Atlantic cables to Penzance and Halifax, and to work it under the control of His Majesty's Government. This cable is not at present in use, and its ultimate disposal will, of course, depend upon the general settlement at the Peace Conference. In the meantime, however, negotiations have been completed by the Pacific Cable Board for the lease of a land-line between Halifax and Montreal. The agreement for this lease, of which I enclose a copy, will, it is understood, be completed as soon as the Imperial cable is restored.

3. It seems clear that, in any event, the successful working of a State-owned Atlantic cable will be seriously hampered if it does not obtain a considerable portion of the traffic between the United Kingdom and Canada. The traffic between the United Kingdom and Australia and New Zealand would not be sufficient to provide a satisfactory load for an Atlantic cable, which would in any event be shorter, and therefore of greater capacity, than the section of the Pacific cable between Bamfield Creek and Fanning Island.

4. As regards outward traffic from the United Kingdom to Canada, the position is, as explained by the then Postmaster-General at the Imperial Conference of 1911 (page 301 ff. of [Cd. 5745]) that, under the land-line agreement with the Anglo-American Company, the Postmaster-General is bound to give to that Company all telegrams for North America handed in at the Post Offices in the United Kingdom which have not been ordered by the senders to be transmitted by another route. When the Anglo-American Company's cables were leased to the Western Union Company this concession was transferred to the latter Company. After January, 1920, however, the obligation will cease, and it will then be possible to send all unordered traffic by an Imperial cable. The result should be to make it possible to secure for an Imperial cable a proportion of the outward private traffic not only to Australia and New Zealand, but also to Canada. It will be noticed, however, that the draft agreement for the lease of a land-line between Halifax and Montreal provides only for the transmission of Government traffic, and not of private traffic to and from Canada.

5. As regards homeward traffic, the question for consideration is, how much under present conditions of the private traffic from Canada could be secured for an Imperial cable, in view of the arrangements in force between the various groups of private telegraph and cable companies now operating in the Dominion. Your

Ministers will remember that, in my telegrams of 15th and 22nd August, 1917 (of which copies are enclosed for reference), it was suggested that facilities for the lease or erection of telegraph wires, and especially for the collection, transmission, and delivery of telegrams forwarded over Government cables, could be obtained in connexion with the acquisition (which was then pending) by the Canadian Government of the Canadian Northern Railway system. In your telegram of 9th October, 1917, of which a copy is also enclosed for reference, it was stated that the purchase of the outstanding stock of the Canadian Northern Railway would carry control of the Canadian Northern and Great North Western Telegraph Companies, that these telegraph lines, in addition to those already owned by the Canadian Government, would give the Government control over fully one-half of the telegraph lines in Canada, and that the Canadian Government was accordingly in a position to enter into arrangements of the nature suggested above. His Majesty's Government are, however, still in some doubt as to the extent to which it is at present practicable for the Canadian Government to secure private traffic from Canada for an Imperial cable, and they would be grateful if your Ministers would arrange to furnish them with a full statement on the point. In this connexion it may be observed that, in view of the limitations under the draft agreement as to the nature of the traffic to be carried over the leased land-line between Halifax and Montreal, it would not apparently be possible for traffic (other than Government) destined for the United Kingdom which the Canadian Government may be able to secure for an Imperial cable to be handed over at any point other than at Halifax.

6. In the foregoing observations it has been assumed that, owing to the arrangements between the Canadian Pacific Railway Company and the Commercial Cable Company, no private traffic from lines at present controlled by the former Company can be obtained for an Imperial cable. It appears, however, from your telegram of 9th October, 1917, to which reference is made above, that the Canadian Government has statutory authority to take possession of, and operate, any electric telegraph in Canada on payment of reasonable compensation, and if this course were adopted with regard to the Canadian Pacific Railway telegraph system measures could, if necessary, be taken to terminate the traffic arrangements in question. His Majesty's Government are not, of course, aware whether the expediency or otherwise of adopting such a course has yet been considered by the Canadian Government, but, in connexion with the possibility of its adoption, they think that your Ministers will be interested in reading the enclosed copy of a memorandum by Sir H. Babington Smith, K.C.B. (Chairman of the Pacific Cable Board, and at present engaged in special work in Washington) as to the recent action of the United States Government in taking possession of the whole of the telegraph and telephone systems within its jurisdiction, and the chances of continuance of Government control after the War. If your Ministers have any observations to offer on this memorandum, and as to the policy which they would be likely to pursue in the event of Sir H. Babington Smith's anticipations as regards the United States telegraphs being realized, His Majesty's Government would be glad to receive them.

7. The question of a further reduction in telegraph rates between Canada and the United Kingdom would seem largely dependent upon the action taken as to the permanent provision of a State-controlled Atlantic cable and the amount of private traffic to and from North America which such a cable can obtain. In the meantime, however, the reduction of rates between Australia and the United Kingdom by means of a reduction in the Commonwealth terminal rate is being taken up again, and I enclose a copy of a despatch\* on the subject which I have sent to the Governor-General, together with Sir R. M. Ferguson's despatch of 17th March, 1915,† to which reference is made. The previous correspondence on this subject is already in your Ministers' possession.

8. The question of a reduction in the rates to South Africa is also under consideration.

9. I am sending a copy of this despatch to the Governors-General of the Commonwealth of Australia, New Zealand, and the Union of South Africa, and to the Governor of Newfoundland.

I have, &amp;c.,

WALTER H. LONG.

\* No. 278.

† No. 42 in Dominions No. 59.



54325

Enclosure 1 in No. 277.

AGREEMENT BETWEEN THE CANADIAN PACIFIC RAILWAY COMPANY AND THE  
PACIFIC CABLE BOARD.

THIS agreement made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 191\_\_\_\_, between the Canadian Pacific Railway Company, hereinafter called  
"the Railway Company" of the one part, and the Pacific Cable Board, hereinafter  
called "the Cable Board" of the other part.  
Witnesseth:

That, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree one with the other as follows:—

1. The Railway Company will grant and hereby grants to the Cable Board, for the term hereinafter mentioned, the exclusive use for continuous day and night telegraph service, for the traffic hereinafter mentioned, of a copper wire weighing not less than two hundred and ten pounds (210) per mile, erected or to be erected on the Railway Company's telegraph line on all Canadian territory between the City of Montreal in the Province of Quebec and the City of Halifax in the Province of Nova Scotia.

2. The Cable Board agrees to transmit over the said wire only (a) all classes of traffic passing over the Cable Board's cables in the Pacific, and (b) Government traffic to or from Canada.

3. As rental for the said use of the said wire the Cable Board will pay to the Railway Company twenty-six thousand seven hundred and ninety dollars (\$26,790) per annum during the first three years; twenty-two thousand three hundred and twenty-five dollars (\$22,325) per annum during the next two years; and seventeen thousand eight hundred and sixty dollars (\$17,860) per annum during the remainder of the term of this agreement, such payments to be made in equal quarterly instalments on the \_\_\_\_\_ day of the months of \_\_\_\_\_ in each year, the first of such payments to be made on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1918.

4. During any interruptions of communication over the Imperial Cable the Railway Company shall be at liberty to use the said wire for its own purposes, and in the event of the Railway Company exercising such privilege the rental shall abate for the period or periods of such use. Provided that, in case of any continuous interruption exceeding three months in duration occurring after the first five years, the rental accruing during such excess shall abate one-half, notwithstanding that the said wire shall not be used by the Railway Company during such excess.

5. The Railway Company will at all times maintain the said wire with the same degree of care and diligence as other wires upon its telegraph lines, and in the event of interruption of communication over it will, if it shall have another wire available for the purpose, make good the Cable Board's circuit over the same.

6. In the event of any continuous interruption of the said wire of more than six hours duration, and no other wire shall have been furnished in substitution therefor, the rental shall abate for the whole period of such interruption. Provided that if during such interruption the traffic be carried over any other route between Halifax and Montreal, controlled by the Railway Company or its connexions, the Railway Company will, instead of rebating the rental, pay or bear the tolls for such diversion.

7. The Cable Board will provide the staff of operators and the apparatus for operating the said wire at Montreal and at Halifax, and the Railway Company will, if so required by the Cable Board, provide the necessary electric power for the main line circuit and the local circuits at either or both Montreal and Halifax at a fixed charge of twelve dollars and fifty cents (\$12.50) per month for each or either station.

8. The Railway Company will from time to time, at the request of the Cable Board, insert in the said wire at St. John, N.B., one of the Railway Company's sets of automatic repeating apparatus and provide the necessary attention free of charge, but it is understood that such applications will be made only at such times as the climatic or other conditions make the said wire unworkable without such intermediate apparatus and attention.

9. The Cable Board will transfer to the Railway Company at Montreal all west-bound Government traffic carried over the Imperial Cable destined to Montreal or points in Canada west of Montreal, and the Railway Company will transfer to the Cable Board at Montreal all east-bound Government traffic for the Imperial Cable lodged at the Railway Company's offices at Montreal or points in Canada west of Montreal. For the transmission of said traffic over the said wire the Cable Board shall receive one cent (1) per word, as its proportion of the land line tolls, so long as the present land line Government rates shall be in force. In the event of reduction of the said Government land line rates the said proportion shall be readjusted.

10. Government traffic for the Imperial Cable originating in or destined to the city of Halifax shall be exchanged between the Cable Board and the Railway Company at Halifax, and upon such traffic the Railway Company's proportion of the tolls shall be one cent (1) per word.

11. Government traffic for the Imperial Cable originating in or destined to places in Canada east of Montreal other than Halifax shall be exchanged between the Railway Company and the Cable Board at Halifax, and the Railway Company's proportion of the tolls on such traffic shall be two cents (2) per word.

12. The Railway Company will collect and transfer to the Cable Board at Halifax commercial, private, or other classes of traffic (as distinguished from Government traffic covered by Clauses 9, 10, and 11 of this agreement), which may be tendered at the Railway Company's offices throughout Canada and routed via the Imperial Cable by the sender, provided that the Railway Company will charge the sender the land line proportion of the tolls on one word indicating the route, and on all such traffic the Railway Company shall receive the same proportion of the total tolls as from time to time it shall be entitled to receive on corresponding classes of traffic handled by it and transmitted over other trans-Atlantic cables.

13. The Cable Board will transfer to the Railway Company at Halifax all west-bound traffic carried over the Imperial Cable destined to places in Canada (other than the Government traffic provided for in Clauses 9, 10, and 11 hereof), and the Cable Board will pay to the Railway Company on all such traffic the same proportion of the total tolls as the Railway Company shall from time to time be entitled to receive on corresponding classes of cable traffic handled by it and carried over other trans-Atlantic cables. Provided that in the event of failure or neglect of the Railway Company to furnish in the forwarding and delivery of the said traffic a service as accurate or expeditious as can be furnished by any competitor, the Cable Board may give notice of such failure or neglect to the Manager of the Railway Company's Telegraphs, and if same be not forthwith remedied the Cable Board shall not be bound by the provisions of this clause.

14. This agreement shall be in force for the term of ten (10) years commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_. Provided that the Cable Board shall have the right to terminate the same at the end of five (5) years on giving at least six months prior notice of its intention so to do and paying to the Railway Company the sum of twenty-six thousand seven hundred and ninety dollars (\$26,790) in addition to the rental hereinbefore reserved for the said five years. Provided also that the Cable Board shall have the right to be exercised by notice given not later than the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_, to extend the term of this agreement for a further period of five years.

15. If at any time during the currency of these presents, or after the termination thereof, any dispute, difference, or question shall arise as to which the parties hereto are unable to agree, and whether such dispute, difference, or question shall relate to the construction, meaning, or effect of these presents, or anything therein contained, or the rights or liabilities of the said parties hereunder, or to any other matter or thing in any wise relating to the premises, then every dispute, difference, or question shall be referred to the arbitration of three persons, one to be appointed by each party hereto, and the third arbitrator to be chosen by the first-named arbitrator before they enter upon the business of the reference, and if either party shall refuse or neglect to appoint an arbitrator within thirty (30) days after the other party shall have appointed an arbitrator, and shall have served a written notice upon the first-mentioned party requiring



such party to make such appointment, then the arbitrator first mentioned shall, at the request of the party appointing him, proceed to hear and determine the matters in difference as if he were an arbitrator appointed by both parties for the purpose, instead of three arbitrators; and if within thirty days after the appointment of said two first-named arbitrators they are unable to agree upon a third arbitrator, then such third arbitrator shall be appointed by a Judge of the Superior Court of the Province of Quebec upon the application of either party hereto. An arbitration held pursuant to the provisions of this paragraph shall take place in the city of Montreal, Canada.

16. It is further declared and agreed that these presents and everything herein contained shall enure to the benefit of, and be binding upon, the respective parties hereto, their and each of their successors and assigns.

In witness whereof the said parties have hereunto affixed their corporate seals the day any year first above mentioned.

H. BABINGTON SMITH.	} Members of the Pacific Cable Board.
T. A. COGLAN.	
FRED. J. ADYE.	Secretary.

Pacific Cable Board  
seal.

40052

Enclosure 2 in No. 277.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 3.55 p.m., 15th August, 1917.)

TELEGRAM.

(Paraphrase.)

WITH reference to current negotiations for acquisition of and grant of assistance to certain of Canadian railways by Canadian Government, His Majesty's Government would suggest opportunity might be made use of by Canadian Government for obtaining as full powers as possible over the telegraph systems appertaining to these railways for use in connexion with any cables in which Governments of Dominions or United Kingdom are or may be interested.

His Majesty's Government suggest in particular that, if practicable, securing of following rights might prove of much importance later in connexion with Pacific and Atlantic cables, viz. :—

(a) Right to lease wire or wires on whole of railway and telegraph systems affected, and

(b) Power to erect and maintain telegraph lines along railways in cases where the acquisition of the railways does not specifically give such power.—LONG.

41788

Enclosure 3 in No. 277.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Sent 6.50 p.m., 22nd August, 1917.)

TELEGRAM.

(Paraphrase.)

My telegram of 15th August as to telegraphs. His Majesty's Government would further suggest that it would be well to arrange if possible also for collection, transmission, and delivery on telegraph systems appertaining to railways concerned of any traffic passing over Government cables or wireless routes across Atlantic or Pacific on terms as favourable at least as those which owners of any other wireless routes or cables enjoy.—LONG.

50141

Enclosure 4 in No. 277.

CANADA.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 4.35 a.m., 11th October, 1917.)

TELEGRAM.

(Paraphrase.)

9TH OCTOBER. Your telegrams of 15th August, 22nd August, with reference to telegraph and cable arrangements. Under statutory authority Canadian Government can by paying reasonable compensation take possession and operate any electric telegraph in Canada. By statute of last session the Government was authorised to purchase outstanding stock of Canadian Northern Railway, the purchase of such stock carrying control of Canadian Northern Telegraph and Great North-Western Telegraph Companies. These telegraph lines, in addition to those now owned by Government, give Government control over fully one-half of the telegraph lines in Canada. In view of such ownership or right of ownership Canadian Government is now in a position to enter into any arrangements in the nature of that suggested in above-mentioned telegrams.—DEVONSHIRE.

43671

Enclosure 5 in No. 277.

HIS MAJESTY'S CHARGÉ D'AFFAIRES, WASHINGTON, TO THE SECRETARY OF STATE  
FOR FOREIGN AFFAIRS.

(Received, Colonial Office, 9th September, 1918.)

(No. 695.)

SIR,

British Embassy, Washington, 5th August, 1918.

WITH further reference to my despatch No. 654, of the 26th ultimo, respecting the taking over of telegraph companies in the United States and the position of the Atlantic cables, I have the honour to transmit to you, herewith, a memorandum on this question by Sir Henry Babington Smith.

I have, &c.,

COLVILLE BARCLAY.

Sub-Enclosure.

MEMORANDUM : ATLANTIC CABLES.

FROM 1st August, 1918, the United States Government has taken into its possession the whole of the telegraph and telephone systems within its jurisdiction. The resolution of Congress under which this action has been taken does not authorize the retention of the systems after the end of the War; but it appears probable that the forces tending to make Government ownership permanent will be very strong and will prevail. This opinion has been expressed to me by Mr. Newcomb Carlton, President of the Western Union Telegraph Company.

At present no action has been taken by the Government as regards ocean cables connecting the United States with other countries. The cables connecting the United Kingdom and the United States are owned or controlled, directly or indirectly, by the two great telegraph companies, the Western Union and the Postal. The substitution of the United States Government for the companies in relation to these cables would raise questions as to landing-rights in British territory, cable offices in the United Kingdom, etc. Difficult questions would also arise in relation to other countries. For instance, the Western Union is now endeavouring to establish independent cable communication between the United States and Brazil, and, with this object in view, is in negotiation for concessions from the Brazilian Government. This negotiation would evidently assume a different aspect if the party seeking the concession were the American Government. These considerations have been represented to the American Government by the companies, and probably form the ground for the Government's decision to leave the cables alone for the present.



It is evident, however, that the present traffic arrangements will necessarily be modified. The two competing groups of cables are at present worked in connexion with the two systems of inland telegraphs in the United States. The supply of traffic to each group of cables depends largely on the collecting and distributing powers of the corresponding inland systems. This division of traffic extends not only to the United States, but also to Canada, by means of exclusive traffic agreements between the Postal Telegraph Company (Commercial Cables) and the Canadian Pacific Railway (as regards the telegraphs controlled by the Railway), and between the Western Union and the rival system.

If the two private telegraph systems of the United States are unified under Government control, the present exclusive traffic agreements will cease to apply. The whole traffic system on which the present competition between the two groups of Atlantic cables is based will consequently fall to the ground, and a fresh arrangement of some kind will be necessary; but the Canadian land-lines would apparently still be bound by their agreements in respect to trans-Atlantic traffic.

In considering the future of the Atlantic cables it must be borne in mind that one of the German Atlantic cables has come into British possession, and may remain in British possession after the War. The present intention is that it should be worked between the United Kingdom and Halifax by the British Post Office and the Pacific Cable Board. The Board has arranged with the Canadian Pacific Railway to lease a land-line from Halifax to Montreal; but this line can only carry Australasian traffic and Canadian Government traffic. Advantage should, if possible, be taken of the rearrangement which must follow upon the action of the American Government to make suitable agreements for the handling of traffic to and from Canada.

It is probable that there will be strong pressure after the War for the provision of Government-owned Atlantic cables between the United Kingdom and Canada, for the conveyance not only of traffic between Britain and Australasia, but also of traffic between Britain and Canada. This demand may be partly met by the retention of the German cable; but it is probable that more than one such cable will be required. It is possible also that, when the land-lines in the United States, as well as those in the United Kingdom, are State-owned, there may be increasing pressure towards State ownership of all the cables joining the two countries. It is worth considering, therefore, whether the present would not be a favourable time for acquiring the British-American cables and for working them on some system of joint Government ownership similar to that in force for the Anglo-French or Anglo-Dutch cables.

On the one hand, the period of resettlement after the War would be a convenient one for modifying the ownership and control of the cable systems. On the other hand, war-traffic has brought such large returns to the cable companies that the financial basis for acquisition at the present time would be an unfavourable one.

In any case, the action taken by the United States Government makes it necessary to consider afresh the policy to be pursued as regards the Atlantic cables.

H. BABINGTON-SMITH.

5th August, 1918.

39996

No. 278.

# COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

SIR,

Downing Street, 31st December, 1918.

I HAVE the honour to request Your Excellency to draw the attention of your Ministers to the enclosed Resolution (No. XIV.) unanimously passed at the Imperial War Conference, 1918, regarding the cheapening of telegraphic rates between the United Kingdom and Australia and other parts of the British Empire, and the provision of a State-owned Atlantic cable. The discussion on the question is published on pages 125-132 of [Cd. 9177]. Reference may also be invited to Chapter XI. of the Final Report of the Dominions Royal Commission [Cd. 8462].

2. An important factor in connexion with the question of cheapening the rates is the extent to which the Commonwealth Government would be prepared to assist by the reduction of their present terminal charge of fivepence a word. Proposals for reducing that rate were discussed in the correspondence ending with your despatch No. 62, of 17th March, 1915,\* and I shall be glad if further consideration can now be given to the matter.

3. It is now practically certain that, under the provisions of clauses 5 and 7 of the agreement of 8th June, 1903, between the Commonwealth Government and the Eastern Extension and Australasia and China Telegraph Company, a reduction could be claimed from the Company in January next in the ordinary rate between the United Kingdom and Australia by the eastern route from 3s. to 2s. 6d. a word, the reduced rate being apportioned as shown below:—

	Present rate.	Revised rate.	Amount of reduction.
	s. d.	s. d.	d.
Eastern and Associated Companies ...	2 7	2 2	5
Australian Government (terminal charge)	0 5	0 4	1
Total ...	3 0	2 6	6

It is understood, however, that the Commonwealth Government have agreed to the postponement of such a reduction until normal conditions prevail after the War. When the time comes to make this reduction a similar reduction will doubtless be made by the Pacific route.

4. There is, unfortunately, no prospect at present that it will be possible to induce the Atlantic Cable Companies to reduce their share of the through rate (which is at present 10d. per word) between the United Kingdom and Australia on traffic via the Pacific cable. Indeed, the Companies have threatened to raise this rate after the War to 1s. If, then, the Australian terminal charge were fixed at 4d., the apportionment of the reduced rate to Australia via Pacific would be as shown below:—

	Present rate.	Revised rate.	Amount of reduction.
	s. d.	s. d.	d.
Atlantic Companies (United Kingdom to Montreal) ...	0 10	0 10	nil
Pacific Cable Board (Montreal to Australia)	1 9	1 4	5
Australian Government (terminal charge)	0 5	0 4	1
Total ...	3 0	2 6	6

5. It would appear from the figures quoted in paragraph 3 of the Pacific Cable Board memorandum of 18th November, 1914,† which was enclosed in Mr. (now Viscount) Harcourt's despatch No. 11, of 5th January, 1915,‡ that the Commonwealth Government were then handling only about forty per cent. of the Australian traffic sent by the Pacific route. If this proportion still holds a terminal charge of 4d. a word on all such traffic, whether handled by the Commonwealth Government or not, would represent a charge of about 10d. a word on Pacific traffic actually handled by the Commonwealth Government, a charge which, having regard to the public importance attached to low telegraph rates and the extent to which the various cable companies have been pressed to reduce their charges, cannot but be regarded as unduly high. It would also be out of all proportion to the revenue per word which would accrue to the Pacific Cable Board.

6. In the above-mentioned Pacific Cable Board memorandum a suggestion was made that the Australian terminal charge should be reduced to 2d. a word. If the Commonwealth Government could now see their way to agree to such a reduction it might be possible to reduce the rate to Australia after the War to 2s. 4d. a word, a reduction which would doubtless be received with general satisfaction.

\* No. 42 in Dominions No. 59.

† Enclosure in No. 85 in Dominions No. 51.

‡ Not printed. This only enclosed the memorandum in question.



7. Failing its adoption I should be glad if you would invite your Ministers to give further consideration to the alternative suggested in paragraph 11 of the Pacific Cable Board's memorandum, viz., the division of Australia into two telegraph zones, traffic entering only one zone being charged the terminal rate of 2d. a word and traffic entering both zones being charged 4d. a word. In your despatch of 17th March, 1915, the view was expressed that the establishment of such zones would contravene paragraph 1 of clause 26 of the International Telegraph Regulations. In view, however, of the fact that the charge to the public for telegrams between the United Kingdom and all places in Australia would in practice be uniform—the additional terminal charge on telegrams traversing both zones being borne by the Administrations and companies owning the cables—it seems very doubtful whether the arrangement would in fact contravene the International Regulations.

8. Another alternative, which might perhaps be considered, is that the Commonwealth Government should charge a terminal rate on such traffic only as is actually handled by them. This arrangement would be in harmony with the practice adopted in this country, where cable companies are allowed to keep the whole of the United Kingdom terminal charge on such part of their traffic as is not handled by the Post Office, and would in effect be equivalent to a reduction of the rate.

9. In view of the importance of securing a substantial reduction in the telegraph rates between the United Kingdom and Australia, as indicated in the enclosed resolution, I feel sure that the Commonwealth Government will give sympathetic consideration to these suggestions, and I should be glad to learn as soon as possible what conclusions are arrived at by your Ministers in the matter.

10. As regards a State-owned Atlantic cable, I enclose, for your Ministers' information, copy of a despatch\* which I have addressed to the Governor-General of Canada.

11. I am sending a copy of this despatch to the Governors-General of Canada, New Zealand, and the Union of South Africa, and to the Governor of Newfoundland.

I have, &c.,  
WALTER H. LONG.

39996

No. 279.

NEW ZEALAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

My LORD, Downing Street, 31st December, 1918.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, copies of despatches which I have addressed to the Governors-General of Canada and of the Commonwealth of Australia,† on the subject of the Resolution (No. XIV.) passed unanimously at the Imperial War Conference, 1918, regarding the cheapening of telegraphic rates between the United Kingdom, Canada, Australia, South Africa, and India, and the provision of a State-owned Atlantic cable. The discussion on the question is published on pages 125-132 of [Cd. 9177]. Reference may also be invited to Chapter XI. of the Final Report of the Dominions Royal Commission [Cd. 8462].

2. I enclose also a copy of Sir R. M. Ferguson's despatch, of 17th March, 1915,‡ to which reference is made in my despatch to the Commonwealth. The previous correspondence on this subject is already in your Ministers' possession.

I have, &c.,  
WALTER H. LONG.

\* No. 277.

† Nos. 277 and 278.

‡ No. 42 in Dominions No. 59.

39996

No. 280.

UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Confidential.)

My LORD,

Downing Street, 31st December, 1918.

I HAVE the honour to transmit to Your Excellency, for the information of your Ministers, copies of despatches\* which I have addressed to the Governors-General of Canada and of the Commonwealth of Australia, on the subject of the Resolution (No. XIV.) passed unanimously at the Imperial War Conference, 1918, regarding the cheapening of telegraphic rates between the United Kingdom, Canada, Australia, South Africa, and India, and the provision of a State-owned Atlantic cable. The discussion on the question is published on pages 125-132 of [Cd. 9177]. Reference may also be invited to Chapter XI. of the Final Report of the Dominions Royal Commission [Cd. 8462].

2. There has been considerable correspondence in previous years as to the Australian terminal rate with which it seems unnecessary to trouble your Ministers. They may, however, be interested in reading the enclosed Pacific Cable Board memorandum of 18th November, 1914,† to which reference is made in my despatch to the Governor-General of the Commonwealth.

3. As regards the South African rates, I enclose, for reference, a copy of a letter from the Department of Posts and Telegraphs, Union of South Africa, to the Postmaster-General, dated 20th May last. I understand that the Postmaster-General hopes to be able to reply to this letter shortly.

I have, &c.,  
WALTER H. LONG.

35180

Enclosure in No. 280.

POSTMASTER-GENERAL (PRETORIA) to GENERAL POST OFFICE (LONDON).

(Received, Colonial Office, 18th July, 1918.)

Union of South Africa, Department of Posts and Telegraphs.

SIR,

Pretoria, 20th May, 1918.

I HAVE the honour to refer to the subject of the cable communication system of South Africa, and, in view of the fact that the several agreements in connexion therewith expire on the 31st December, 1919, and the desirability of the Governments concerned being in accord regarding their future relations with the Eastern and South African Telegraph Company, to inquire whether the matter has been under consideration by the Imperial Post Office, and, in the event of such being the case, to request that you will be so good as to favour me shortly with a statement of the policy intended to be adopted with the Company by your Administration.

At the same time it would be well, perhaps, if I reviewed the existing position, with the circumstances leading thereto, as it presents itself to this Department.

South Africa, as you will be aware, is entirely dependent upon the Eastern and South African Telegraph Company for the maintenance of cable communication with places overseas. Communication was first established with South Africa in the year 1880 by means of a cable laid by the Company between Aden and Durban, in accordance with the terms of an agreement entered into by them on the 30th July, 1879, with the contracting Governments, who undertook, in return, to make payment of a subsidy of £60,000 per annum for a period of twenty years, in the following proportions:—

Imperial Government	...	...	...	...	...	£35,000
Cape Colony	...	...	...	...	...	15,000
Natal	...	...	...	...	...	5,000
Portugal	...	...	...	...	...	5,000

\* Nos. 277 and 278.

† Enclosure in No. 85 in Dominions No. 51.



In 1889 the Company extended to Cape Town the Porthcurnow-Loanda cable laid in 1886, and thus, by establishing communication with South Africa via the West Coast, greatly reduced the inconvenience caused by recurring faults in the East Coast cable, although it must be mentioned that the Company had made efforts to minimize the difficulty in this regard by laying a duplicate cable between Mozambique and Zanzibar.

The charge per word originally levied for cablegrams from Durban to England, viz., 8s. 9d. per word—to which the South African Administrations added 2d. per word on cablegrams tendered at Government offices—remained unaltered until 1895, notwithstanding continued representations by the Imperial and Colonial Governments regarding the necessity for a reduction of tariff.

After much discussion an agreement was reached in 1895 which provided that the subsidy due to the Company under the original agreement should continue to be paid for the stipulated period and be followed by a subsidy of £27,000 per annum payable by the contracting Governments for a period of ten years, as follows:—

Imperial Government	£8,750
Cape Colony (including £200 for Orange Free State)	6,000
Natal	1,650
British South Africa Company	600
Transvaal	10,000

the Company in return introducing the following reduced tariff of charges:—

Ordinary cablegrams	5s. 0d. per word.
Government cablegrams	2s. 6d. per word.
Press cablegrams	1s. 6d. per word.

and agreeing that, if during the last half of the period of ten years the receipts from South African traffic exceeded £180,000 per annum, the contracting Governments should receive from the Company one-half of the net receipts in excess of the sum of £180,000, such payment by the Company, however, not to exceed the amount of the contribution to the subsidy by the several contracting Governments.

In 1897 the Company, contemplating the laying of a cable to Australia via the Cape, proposed the establishment of an "all-British" deep-sea cable connecting the United Kingdom with the Cape via Madeira, St. Vincent, Ascension, and St. Helena, and, after negotiations extending over the intervening period, an agreement was reached in 1899 in which it was arranged, with effect from the 1st September of that year, to adopt a sliding scale tariff based on receipts; thus the charge from the above-mentioned date was fixed at 4s. per word, to be reduced to 3s. 6d. per word when the net receipts averaged £300,000 per annum for three consecutive years after the first twelve months, to be reduced in similar circumstances to 3s. per word, and again to 2s. 6d. per word; the rate once having been reduced not to be again raised, and Government cablegrams to be subject to a charge fifty per cent. lower than the ruling rate in force for ordinary cablegrams. The subsidy payable by the contracting Governments under the new agreement was apportioned thus:—

Imperial Government	£4,375
Cape Colony	3,000
Natal	825
Transvaal	5,000
Rhodesia	300

the subsidy to be returned by the Company to the Governments concerned in their respective proportions when the net receipts exceeded £300,000 per annum. (Actually the cable rate from South Africa to England was reduced as follows:—1901 to 3s. 6d. per word; 1902 to 3s. per word; and 1903 to 2s. 6d. per word.)

The agreement embodying the foregoing terms is that now in force and expiring on the 31st December, 1919.

In addition there exist (1) an agreement between the Government of the Cape of Good Hope and the Company, in respect of the landing in Table Bay of the deep-sea cable, providing for the payment of a landing licence fee of £1 per annum, for priority to be accorded to Government cablegrams, and for the observance by the Company of the International Telegraph Regulations; and (2) an agreement between the Government of Natal and the Company, in respect of the landing at Durban of the cable from South Africa to Australia via Mauritius, providing for the payment of a similar landing licence fee, for a net

charge of not more than 2s. per word being made on ordinary cablegrams and of 1s. per word on Government cablegrams between South Africa and Australia, a reduction of 3d. and 1½d. per word respectively on such cablegrams when the rate between Australia and Europe is reduced by 6d. per word, for priority to be accorded cablegrams on Government service, and for the observance by the Company of the International Telegraph Regulations. The two agreements expire on the same date as the main agreement, viz., the 31st December, 1919.

Connexion between the Company's offices at Cape Town and Durban is afforded by an overland line constructed within the respective Colonies by the Cape and Natal Governments at a cost to the Company of approximately £15,000. The line is subject to an annual payment by the Company of £1,751, representing a maintenance charge of £1,251 and a royalty of £500.

The main purpose of the foregoing statement of the circumstances under which cable communication with South Africa was established and is maintained is to show that, however much the Company is to be commended for its enterprise, the agreements entered into by the interested Governments to subsidize each extension of the system minimized to the Company the risk usually attendant on commercial undertakings, and that, as my subsequent figures will show, the Company, with the subsidy behind it, has reaped a very considerable benefit from its South African connexion.

The several agreements provided for the payment of subsidies, totalling in the aggregate £1,740,000, as follows:—

1879 agreement	£1,200,000
1895 agreement*	270,000
1901 agreement	270,000

on a capital expenditure amounting altogether to £2,700,000. Except in the case of the original agreement the contracting Governments were entitled to refunds in certain eventualities, as specified, and the subsidies were not called up or were refunded in several instances, notably during the period 1899-1905. Prior to 1896 it was not incumbent on the Company to declare its South African traffic receipts, but a reference to the Cape and Natal Government records of cablegrams handed in at Colonial Government offices shows that prior to that year the value of such traffic was in the neighbourhood of £80,000 per annum. If there be taken into account the value of cablegrams tendered at the Company's offices at Cape Town and Durban, and it be assumed that the flow of outward traffic was equal to that from South Africa—a generally accepted principle—the Company's revenue during the period 1880-1895 can be taken as at the rate of £200,000 per annum, say £3,200,000 plus the subsidy of £60,000 per annum. (In 1893 the value of cablegrams tendered at the Company's Cape Town office was £34,000.) The following statement gives the Company's minimum revenue requirement and the actual receipts for 1896 and each subsequent year to the 31st December last:—

Year.	Revenue required.	Actual Receipts.	Year.	Revenue required.	Actual Receipts.
	£	£		£	£
1896	180,000	316,386	1907	300,000	263,516
1897	180,000	270,000	1908	300,000	248,485
1898	180,000	290,000	1909	300,000	296,554
1899	180,000	387,310	1910	300,000	298,130
1900	300,000	457,366	1911	300,000	278,044
1901	300,000	386,986	1912	300,000	285,026
1902	300,000	465,291	1913	300,000	287,167
1903	300,000	991,108	1914	300,000	310,281
1904	300,000	838,476	1915	300,000	293,321
1905	300,000	24,216	1916	300,000	304,956
1906	300,000	301,947	1917	300,000	373,133

It will be observed that during this period of twenty-two years the total revenue exceeded by nearly £1,000,000 the sum of £6,500,000 stated to be the Company's minimum revenue requirement, and this without taking into account the subsidy of £13,500 payable in each year that the net revenue failed to reach the sum of £300,000.

\* Paid for four years only.



There is another aspect from which the position can be viewed, viz., the basis upon which the Company, at the various stages of development of the cable system, founded its estimate of the revenue necessary to ensure an adequate return on capital outlay. In 1898 the late Sir John Pender informed the Colonial Treasurer, Cape Colony, that £174,000 per annum was a sufficient revenue on South African traffic to enable the Company to pay a fair dividend to its shareholders. This statement, it will be observed, was made during the period of negotiation in regard to the paying of the period of negotiation in regard to the laying of the third cable, and at a time when the total sum expended by the Company on its South African connexions was £1,200,000. This sum, however, would appear to include connexions with Mozambique and Zanzibar. Later, in a letter to the Prime Minister, Cape Colony, dated the 17th December, 1898, the Company stated that the laying of the new cable would involve an outlay of £1,500,000 and an additional annual charge of £150,000. It cannot be said what circumstances led to the decline from a required return of fourteen-and-a-half per cent. on the outlay incurred on the two cables to a return of ten per cent. on the estimated expenditure involved in the laying of the third cable, but the immunity of a deep-sea cable from the risks of breakdown attendant on a cable laid in close proximity to the coast line, with numerous intermediate stations connected thereto, and the greatly increased carrying capacity of cables due to improvements in signalling methods may have been factors in the matter. Accepting the Company's figures, however, we have the position that the gross return of between £8,000,000 and £8,250,000 looked for by the Company during a period of thirty-eight years on a capital outlay of about £2,700,000 has been exceeded by not less than £3,000,000.

There is another feature in respect of the relations between subsidy and capital cost and revenue which requires to be touched upon. In reaching the foregoing results I have assumed full debit against South African traffic for the capital cost of the section of the deep-sea cable from Porthcurnow to Cape Town; but, as my earlier remarks show, this section of the cable formed a part of the scheme to provide an alternative route to the Australian Colonies. Under normal conditions the busy period for South African traffic is between, say, 10.0 a.m. and 8.0 p.m., Australian traffic is at its busiest between 2.30 a.m. and 9.0 a.m. (South African time), and the Company is thus in the happy position of being able to occupy the Cape-Australia cable to its utmost extent the full round of the clock. The Company has, of course, outlets for its English-Australasian traffic by the Far Eastern route. Having regard, however, to the many intermediate stations on that route and the congested condition of all cable lines through the Mediterranean, there is little doubt but that the Company finds its readiest outlet for Australasian traffic in the cable via the Cape, and it will not be unreasonable to assume that at least one-third of the Company's share of such traffic transits this route. The method of recording cable traffic dealt with in South Africa and in Australia differs materially, in that the South African record of traffic is based on the total number of messages, while that of Australasia is based on the total number of words, and I am unable, therefore, to institute an exact comparison. It may be accepted, I think, that the volume of Australasian traffic circulating via the Cape equals that between South Africa and England, and the liability of South African traffic for the annual charges on the third cable should be reduced on this basis from £150,000 to £75,000, with a corresponding addition of £1,350,000 to the profits of the Company on its South African connexion.

I have already referred to the Company's land-line between Cape Town and Durban, and would here mention the considerable financial advantage derived by the Company therefrom. The alternative to a Company-owned land-line is a cable around the coast at a capital cost approximately ten times as great as that of the land-line and infinitely more expensive in point of maintenance, or the transfer of traffic to Government control and the payment of transit rates on a word basis. The report of the Postmaster-General of the Commonwealth for the year 1916-17 quotes in detail the total number of words passing to and from Australasia over the Eastern Company's system during that year, and an analysis of the figures gives the following transit rate value:—

Class of Cablegrams.	Transit rate per word.	Cables to and from the United Kingdom.	Cables to and from other places.
Ordinary Cablegrams	1d.	£ 2,750	£ 1,844
Deferred	$\frac{1}{2}$ d.	4,968	3,439
Press	$\frac{1}{4}$ d.	1,217	124
Week-end	$\frac{1}{2}$ d.	4,634	962
Total	...	13,569	6,369

Assuming, as I have stated, that one-third of the traffic with the United Kingdom is transmitted via the Cape, and ignoring altogether the cable traffic to and from other places, of which, nevertheless, a certain portion would transit the United Kingdom, we have the position that, for a capital outlay of £15,000 and an annual outlay of £1,751, the Company is saved the difference between this expenditure and an amount of over £4,500 per annum that would accrue to the Union Administration if the Australasian traffic circulating via South Africa were subject to transit rates as prescribed by the International Telegraph Regulations.

It must, of course, be readily acknowledged that the Company is deriving no greater benefit from its South African connexion than it is entitled to under the several agreements entered into by the contracting Governments, but my purpose is to show how favourably the Company is placed as a result of those agreements; and although my figures in most instances are necessarily quite approximate, they are sufficiently close to the actual position to warrant a strong expression of opinion by this Administration that a substantial reduction in the rate per word for South African traffic be made a matter of paramount importance in the negotiations regarding the future relations of the Company with the Imperial and Union Governments. Immediately upon the restoration of normal conditions wireless telegraphy and aerial post services will become serious competitors with the cable system as means of communication with all parts of the world, and this probability, I have no doubt, will not be overlooked by the Company in coming to a decision on the question of rates. But, if further argument is necessary to convince the Company that the rates to and from the Union must be reduced, it will be found, I think, in the institution of a comparison in the rates obtaining between the United Kingdom and South Africa and the United Kingdom and Australia and New Zealand, especially as South Africa, in this respect, may be regarded as the "half-way house" to Australia. The length of the "deep-sea" cable from Cape Town to Porthcurnow is 6,888 nautical miles, and of the Durban-Mauritius-Fremantle cable 5,987 nautical miles. There is thus a difference in favour of Australia of nine hundred miles in the distance by cable between South Africa and the United Kingdom and South Africa and Australia, but, if Cape Town be taken as the centre, South Africa is practically equi-distant between the United Kingdom and Australia. The rate for ordinary cablegrams from the United Kingdom to the respective countries is as follows:—

To South Africa	... .. 2s. 6d. per word.
To Australia	... .. 3s. 0d. per word.

If it is a payable proposition to transmit a cablegram a distance of nearly 14,000 miles at a charge of 3s. per word, the conclusion is obvious that a charge of 2s. 6d. per word on a cablegram traversing the same route for only half the total distance cannot be defended. Under present circumstances the Company receives on a cablegram for Australia 2s. 6d. per word for the use made of the United Kingdom-Cape Town section of the cable, and 6d. per word for the section Cape Town to Australia. If, however, a cablegram for Australia is tendered in the Union a charge of 2s. 3d. per word is made, and we have, therefore, the position that the Union is penalized to the extent of 1s. 9d. per word on South African-Australian traffic. If, on the other hand, it is claimed that the Company, by reason of the presence of a competitor, has been forced to adopt a non-payable rate for the longer-distance traffic, it is compelling the short-distance traffic to make good the loss—a position scarcely likely to prove acceptable to the public in South Africa. Striking as is the comparison in respect of South African and



Australian rates, the difference is still more pronounced when the position of New Zealand is examined. Notwithstanding the additional mileage represented by the distance from Australia, the rate per word to and from New Zealand and the United Kingdom is 2s. 8d., 2d. per word more than the United Kingdom-South African rate! It is not necessary to touch upon the concessions in respect of deferred and week-end cablegrams, since the services in question are of general application with the greater number of the British Dependencies and Colonies at *pro rata* reductions on the ordinary tariff.

It may be added, in conclusion, that, while the capital cost of the cables connecting South Africa has been taken at £2,700,000, it has been stated by Sir John Pender that the "book" value of the cables of his Company stands at £125 per knot—see his evidence in London before the Dominions Royal Commission, page 45 (Volume [Cd. 7173]): there is further reason, therefore, to conclude that a substantial reduction in the cable rates to and from South Africa is warranted.

I have, &c.,

J. WILSON,  
Postmaster-General.

The Secretary,  
General Post Office,  
London.

39996

No. 281.

NEWFOUNDLAND.

THE SECRETARY OF STATE TO THE GOVERNOR.

(Confidential.)

MY LORD,

Downing Street, 31st December, 1918.

I HAVE the honour to transmit to you, for the information of your Ministers, copies of despatches\* which I have addressed to the Governors-General of Canada and of the Commonwealth of Australia, on the subject of the Resolution (No. XIV.) passed unanimously at the Imperial War Conference, 1918, regarding the cheapening of telegraphic rates between the United Kingdom, Canada, Australia, South Africa, and India, and the provision of a State-owned Atlantic cable. The discussion on the question is published on pages 125-132 of [Cd. 9177]. Reference may also be invited to Chapter XI. of the Final Report of the Dominions Royal Commission [Cd. 8462].

2. There has been considerable correspondence in previous years as to the Australian terminal rate with which it seems unnecessary to trouble your Ministers. They may, however, be interested in reading the enclosed Pacific Cable Board memorandum of 18th November, 1914,† to which reference is made in my despatch to the Governor-General of the Commonwealth.

I have, &c.,

WALTER H. LONG.

\* Nos. 277 and 278.

† Enclosure in No. 85 in Dominions No. 51.

(2) Correspondence with the Government of Canada arising out of the recommendations in the Fifth Interim Report of the Dominions Royal Commission.

19613

No. 282.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

[Answered by Nos. 283 and 284.]

(No. 369.)

MY LORD DUKE,

Downing Street, 11th July, 1917.

I HAVE the honour to request Your Excellency to invite the attention of your Ministers to paragraphs 120-127 of the Fifth Interim Report of the Dominions Royal Commission [Cd. 8457], in which it is recommended that a system should be introduced at the earliest possible date under which licences would be issued for the landing of cables on Canadian territory.

2. The Postmaster-General, who thinks that the adoption of the course proposed by the Royal Commission would be advantageous, has forwarded to me copies (which are enclosed herewith) of the standard form of licence\* used in this country, and of a print of some of the more recent licences issued to cable companies. The Postmaster-General will be glad to furnish any further information desired by the Canadian Government in regard to the conditions to be inserted in any cable-landing licences which they may decide to issue.

3. The Postmaster-General further points out that the licences issued in the United Kingdom contain a provision that British Government telegrams forwarded over the licensed cables shall be charged rates not in excess of half the ordinary rates. The insertion of such a clause in Canadian landing licences would remove the anomaly, to which the Royal Commission calls attention in paragraph 124 (3) of the same report, that there is at present no special rate for Government telegrams between all parts of Canada and Newfoundland.

4. I shall be glad to learn, in due course, whether your Ministers contemplate any action in the matter.

I have, &c.,

WALTER H. LONG.

7478

No. 283.

THE ADMINISTRATOR TO THE SECRETARY OF STATE.

(Received 11th February, 1918.)

(No. 20.)

SIR,

Government House, Ottawa, 9th January, 1918.

WITH reference to your despatch No. 369, of the 11th July,† regarding the introduction of a system of licences for the landing of cables on Canadian territory, with a provision that Canadian Government telegrams shall be charged rates between all parts of Canada and Newfoundland not in excess of half the ordinary rates, the following observations from the Department of Marine have been submitted upon this subject:—

"This Department understands that direct cable connexions between Newfoundland and Canada are maintained by the following companies:—The Anglo-American Telegraph Company, the Commercial Cable Company, the Direct United States Company, the Western Union Telegraph Company.

"As these cable companies have already been granted landing privileges in Canada, and as section 30 of the Telegraph Act, chapter 126, of the Revised Statutes of Canada, 1906, provides that all messages shall be transmitted at equal and corresponding rates, it would apparently be difficult to establish preferential rates for Government messages as suggested in the

\* Not printed.

† No. 282.



despatch under review, unless by agreement with the companies concerned. The question of taking action to that end will, however, receive the Department's consideration."

I have, &c.,  
C. FITZPATRICK.  
Administrator.

12960

No. 284.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th March, 1918.)

[Answered by No. 285.]

(No. 153.)

SIR, Government House, Ottawa, 20th February, 1918.  
WITH reference to my despatch No. 20, of the 9th January,\* I have the honour to enclose, herewith, a copy of a letter from the Department of the Secretary of State for External Affairs, incorporating certain representations from the Department of Marine on the subject of cable rates between Canada and Newfoundland for Government messages.

I have, &c.,  
DEVONSHIRE.

Enclosure in No. 284.

DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR, Ottawa, 18th February, 1918.  
WITH reference to my letter of the 5th January last, on the subject of cable rates between Canada and Newfoundland for Government messages, I have the honour to represent that the Department of Marine has been informed as follows:—

"That the Direct United States Cable Company do not accept local messages for transmission between Canada and Newfoundland. They therefore referred this Department's inquiry to the Western Union Telegraph Company, who report that the Government rate is 45 cents for ten words and 3 cents for each additional word from points in Nova Scotia to Newfoundland, and 50-4 from Ottawa.

"That the Commercial Cable Company are not interested in the rates between Canada and Newfoundland. The Canadian Pacific Telegraphs, Montreal, to whom they referred this Department's communication, report that the Government rate to Newfoundland is made up of their regular local rate to Canso of 30 cents and 2 cents each additional word, and 20 cents cable, and 2 cents each additional word, or total through rate of 50 cents for ten words and 4 cents for each additional word.

"That the Anglo-American Telegraph Company's rate on Government messages between Canada and Newfoundland is 40 cents for the first ten words, and 4 cents for each additional word, less than the regular rate, or the rate on Government messages from St. John's, Newfoundland, to Ottawa, is 50 cents for the first ten words, and 4 cents for each additional word."

I am to request that His Excellency the Governor-General may be humbly moved to cause the Secretary of State for the Colonies to be informed in the above sense.

I have, &c.,  
JOSEPH POPE,  
Under-Secretary of State for External Affairs.

\* No. 283.

18166

No. 285.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 201.)

MY LORD DUKE,

Downing Street, 2nd May, 1918.

WITH reference to Your Excellency's despatch No. 153, of the 20th February,\* and previous correspondence, I have the honour to request you to inform your Ministers that it is gathered that the Western Union Company and the Anglo-American Company (whose cables are leased to the Western Union Company) at present charge approximately half rates on Government telegrams between Canada and Newfoundland, the full rate of 85 cents a word for transmission between St. John's and Halifax being reduced to 45 cents a word.

2. Although your Government and the Government of Newfoundland already enjoy an advantage secured in the United Kingdom by a clause in landing licences, the Postmaster-General still thinks that it would be advantageous if the Canadian Government were to introduce a system of licensing the landing of cables, as recommended by the Dominions Royal Commission in paragraph 127 of their Fifth Interim Report.† If licences modelled on those in use in this country, specimens of which were enclosed in my despatch No. 369, of the 11th July, 1917,‡ were introduced in Canada, benefits to the Government and the public might, it is considered, accrue, quite apart from any which might be secured in connexion with the rates for Government telegrams.

3. The Postmaster-General is not aware whether the cable companies are likely to raise any legal objection to the insertion of the usual clause concerning reduced rates on Government telegrams in licences issued by your Government, in view of the provisions of section 30 of the Canadian Telegraph Act. The existence of lower rates for Government messages, not only between Canada and Newfoundland, but also between Canada and the United Kingdom would, however, seem to show that the section in question has in fact been construed as not binding the Crown.

I have, &c.,  
WALTER H. LONG.

(3) Control of Cables by the United States Government.

59489

No. 286.

CANADA: NEWFOUNDLAND.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL AND GOVERNOR.

(Secret.)

[MY LORD DUKE,] [SIR,]

Downing Street, 2nd January, 1919.

I HAVE the honour to transmit to [Your Excellency,] [you,] for the information of your Ministers, copies of telegrams exchanged with the British Embassy at Washington on the subject of the control of marine cables by the United States Government, together with a copy of the Proclamation of 2nd November to which reference is made.

I have, &c.,  
WALTER H. LONG.

\* No. 284.

† [Cd. 8457].

‡ No. 282.



Enclosure 1 in No. 286.

MR. BARCLAY (WASHINGTON) to FOREIGN OFFICE.

(Received 2.45 p.m. 20th November, 1918.)

TELEGRAM.

(Paraphrase.)

No. 5185. 19th November. With reference to my despatch No. 695,\* a proclamation was issued on 16th November, dated 2nd November, taking possession and assuming control of every marine cable system owned or operated by any company organized under laws of United States of America or any State thereof, including all equipment, etc. Possession and control is vested in Postmaster-General.

This proclamation, we understand, was issued without previous consultation with State or Navy Departments, and fact of it being issued at this stage seems to give foundation for belief [? group undecipherable] designed not as a war measure, but as a first step towards obtaining Government ownership after the War.

We presume that, in regard to numerous points arising out of assumption of ownership of cables by United States Government, United States Postmaster-General must have come to some arrangement with British Government.

Please telegraph whether this is the case.

Enclosure 2 in No. 286.

FOREIGN OFFICE to MR. BARCLAY (WASHINGTON).

(Sent 6.0 p.m., 28th November, 1918.)

TELEGRAM.

(Paraphrase.)

No. 7020. With reference to your telegram No. 5185, control of marine cables by United States Government. No communication appears to have been made to us on this subject by United States Government, and you should ascertain, if possible, to what extent United States authorities propose to take possession and control lines, and whether continuance of such possession and control after conclusion of Peace is contemplated. In latter case difficult questions of ownership would, of course, be raised which would have to be carefully considered by us. Full text of proclamation of 2nd November should be forwarded.

Enclosure 3 in No. 286.

MR. BARCLAY (WASHINGTON) to FOREIGN OFFICE.

(Received 12.27 p.m., 4th December, 1918.)

TELEGRAM.

(Paraphrase.)

No. 5400. Urgent. 3rd December, 1918. With reference to your telegram No. 7020.

Has it been realized that, as it at present stands, American proclamation entails United States Government controlling and giving instructions to cable companies in Canada, Newfoundland, and Great Britain, as to movements of cable traffic, employment of staff, what traffic may or may not be handled, how it shall be handled, etc., and would even extend to picking up and relaying cables, if it would benefit America by doing so?

As yet no instruction(s) have been issued. I am informed by Captain Trye that Chief Cable Censor of War Office has already given instructions to cable companies in London not to give effect in United Kingdom to any orders received from United States Government without permission of His Majesty's Government. Please see Captain Trye's letter of 21st November to Chief Cable Censor of War Office.

\* Enclosure 5 in No. 277.

I venture to suggest that before any further steps are taken and difficulties are created it should be made quite clear to United States Government that His Majesty's Government cannot admit that they have any authority or control over cable stations outside United States territory.

May I do this?

It appears to me that if this is done question of ownership, referred to in the last paragraph of your telegram, will not arise, as there could not well be United States ownership without United States control. Under such conditions ownership would be worthless.

Captain Trye also informs me that Director of Cable Censorship, Ottawa, has brought whole matter, as it affects Canada, to the notice of Canadian Government.

Copy of proclamation sent 22nd November by bag.

Enclosure 4 in No. 286.

FOREIGN OFFICE to MR. BARCLAY (WASHINGTON.)

(Sent 7.0 p.m., 6th December, 1918.)

(Paraphrase.)

TELEGRAM.

No. 7147. With reference to your telegram No. 5400 of 3rd December control of cables by United States. You are authorized to approach United States Government in sense proposed in your above telegram, third paragraph.

It would appear that possession and control of Atlantic cables, assumed by United States Government, goes far beyond formal possession or control assumed by us on outbreak of war under landing licences of companies concerned, and amounts to actual acquisition of the cables.

If this is the case you should protest strongly against action of United States Government in taking such a measure without prior consultation with us, as it involves question of ownership, especially as regards six cables owned by British companies and leased to Western Union Company, and as regards portions of remaining seven cables within territorial waters of Canada, Newfoundland, and United Kingdom.

Enclosure 5 in No. 286.

"THE OFFICIAL U.S. BULLETIN," SATURDAY, 16TH NOVEMBER, 1918.

PRESIDENT'S PROCLAMATION PLACING CONTROL OF ALL MARINE CABLES IN POSTMASTER-GENERAL'S HANDS.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

*A Proclamation.*

WHEREAS the Congress of the United States, in the exercise of the constitutional authority vested in them, by joint resolution of the Senate and House of Representatives, bearing date 16th July, 1918, resolved:—

That the President, during the continuance of the present War is authorized and empowered, whenever he shall deem it necessary for the national security or defence, to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the War, which supervision, possession, control or operation shall not extend beyond the date of the proclamation by the President of the exchange of ratifications of the Treaty of Peace: Provided that just compensation shall be made for such supervision, possession, control or operation, to be determined by the President; and if the amount thereof, so determined by the President, is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent. of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent., will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code: Provided further, that nothing in this Act shall be construed to amend, repeal, impair, or affect existing laws or powers of the several States in relation to taxation or the lawful police regulations of the



several States, except wherein such laws, powers, or regulations may affect the transmission of Government communications, or the issue of stocks and bonds by such system or systems.

And whereas it is deemed necessary for the national security and defence to supervise and to take possession and assume control of all marine cable systems and to operate the same in such manner as may be needful or desirable:

Now, therefore, I, Woodrow Wilson, President of the United States, under and by virtue of the powers vested in me by the foregoing resolution, and by virtue of all other powers thereto me enabling, do hereby take possession and assume control and supervision of each and every marine cable system and every part thereof owned or controlled and operated by any company or companies organized and existing under the laws of the United States, or any State thereof including all equipment thereof and appurtenances thereto, whatsoever, and all materials and supplies.

It is hereby directed that the supervision, possession, control, and operation of such marine cable systems hereby by me undertaken shall be exercised by and through the Postmaster-General, Albert S. Burleson. Said Postmaster-General may perform the duties hereby and hereunder imposed upon him, so long and to such extent and in such manner as he shall determine, through the owners, managers, boards of directors, receivers, officers, and employees of said marine cable systems.

Until and except so far as the said Postmaster-General shall from time to time by general or special orders otherwise provide, the owners, managers, boards of directors, receivers, officers, and employees of the various marine cable systems shall continue the operation thereof in the usual and ordinary course of the business of said systems, in the names of their respective companies, associations, organizations, owners, or managers, as the case may be.

Regular dividends hitherto declared and maturing interest upon bonds, debentures and other obligations may be paid in due course, and such regular dividends and interest may continue to be paid until and unless the said Postmaster-General shall from time to time otherwise by general or special orders determine; and, subject to the approval of said Postmaster-General, the various marine cable systems may determine upon and arrange for the renewal and extension of maturing obligations.

From and after 12 o'clock midnight on the 2nd day of November, 1918, all marine cable systems included in this order and proclamation shall conclusively be deemed within the possession and control and under the supervision of said Postmaster-General without further act or notice.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done by the President, in the District of Columbia, this 2nd day of November, in the year of our Lord one thousand nine hundred and eighteen and of the independence of the United States the one hundred and forty-third.

[Seal] WOODROW WILSON.

By the President:

ROBERT LANSING,  
Secretary of State.

(4) Imperial Cable.

*Secretariat Note.*—This correspondence refers to the German cable to the United States via the Azores, which was diverted during the War.

35751

No. 287.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 7.30 p.m., 16th July, 1917.)

TELEGRAM.

(Paraphrase.)

REQUEST you will inform your Ministers that new Government cable will be open for traffic this week, but that it is not at present proposed to make public

announcement or to explain cable's origin. Please ask Ministers to arrange, if they have not already done so, for Canadian Government telegrams to be sent to this country by the new cable. This might be done by issue to Canadian Pacific Railway Company, at whose offices the telegrams would presumably be handed in, of general instruction to that effect.—LONG.

35751

No. 288.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 7.30 p.m., 16th July, 1917.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

(Paraphrase.)

REQUEST you will inform your Ministers of establishment of Government cable between England and Canada via Azores by diverting one of German Azores-New York cables to Halifax and diverting one of Emden-Azores cables to England. It will be open to traffic this week, but it is not at present proposed to make public announcement or to explain new cable's origin.—LONG.

7782

No. 289.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.45 p.m., 6th February, 1919.)

TELEGRAM.

6TH FEBRUARY. My telegram of 16th July, 1917.\* Imperial cable, which has been broken for some time, now repaired. Hoped that it will be possible to revert to arrangements formerly in operation for ensuring that Canadian Government telegrams for this country are sent via Imperial cable.—MILNER.

7782

No. 290.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

(Sent 2 p.m., 22nd February, 1919.)

TELEGRAM.

(Commonwealth of Australia.)

(New Zealand.)

(Union of South Africa.)

(Newfoundland.)

22ND FEBRUARY. Reference to my telegram of 16th July, 1917.† Imperial cable, which has been broken for some time, now repaired.—MILNER.

\* No. 287.

† No. 288.



37858

No. 291.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 1.50 p.m., 27th June, 1919.)

TELEGRAM.

27TH JUNE. My telegram, 6th February.\* Postmaster-General understands that a considerable number of Canadian Government messages for Great Britain not being sent via Imperial cable. It is thought that Imperial cable can provide more expeditious service at present than any other Atlantic system, and Postmaster-General anxious to learn whether possible to arrange all Canadian Government telegrams for this country to be sent via Imperial.—MILNER.

44687

No. 292.

CANADA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 12.30 p.m., 4th August, 1919.)

TELEGRAM.

[Answered by No. 293.]

4TH AUGUST. My telegram 27th June.† Postmaster-General states still room for additional traffic on Imperial cable, particularly in homeward direction. Should be glad of early reply.—MILNER.

45887

No. 293.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.10 a.m., 7th August, 1919.)

TELEGRAM.

6TH AUGUST. Your telegram 4th August.‡ My Prime Minister states that all departments of Government have been instructed to use Imperial cable for their messages to United Kingdom, and that there is no reason to suppose that these instructions are not being carried out.—DEVONSHIRE.

\* No. 289.

† No. 291.

‡ No. 292.

## RESOLUTION XV.: CHANNELS OF COMMUNICATION.

(1) That this Conference is of the opinion that the development which has taken place in the relations between the United Kingdom and the Dominions necessitates such a change in administrative arrangements and in the Channels of Communication between their Governments as will bring them more directly in touch with each other.

(2) That the Imperial War Cabinet be invited to give immediate consideration to the creation of suitable machinery for this purpose.

34619

No. 294.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL AND GOVERNOR.

[Answered by Nos. 303 and 304.]

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 442. Confidential.)

[MY LORD DUKE,] [SIR,] [MY LORD,]

Downing Street, 15th August, 1918.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copies of the Proceedings of the Imperial War Conference on Thursday, 18th July, at which the subject of "Channels of Communication" was discussed. Your Ministers will observe that the following resolution on the subject was carried:—

"(1) That this Conference is of the opinion that the development which has taken place in the relations between the United Kingdom and the Dominions necessitates such a change in administrative arrangements and in the channels of communication between their Governments as will bring them more directly in touch with each other.

"(2) That the Imperial War Cabinet be invited to give immediate consideration to the creation of suitable machinery for this purpose."

2. The subject was subsequently considered by the Imperial War Cabinet, and on Tuesday, 30th July, the following resolutions were passed:—

"I.—(1) The Prime Ministers of the Dominions, as members of the Imperial War Cabinet, have the right of direct communication with the Prime Minister of the United Kingdom, and *vice versa*.

"(2) Such communications should be confined to questions of Cabinet importance. The Prime Ministers themselves are the judges of such questions.

"(3) Telegraphic communications between the Prime Ministers should, as a rule, be conducted through the Colonial Office machinery, but this will not exclude the adoption of more direct means of communication in exceptional circumstances.

"II.—In order to secure continuity in the work of the Imperial War Cabinet, and a permanent means of consultation during the War on the more important questions of common interest, the Prime Minister of each Dominion has the right to nominate a Cabinet Minister, either as a resident or visitor in London, to represent him at meetings of the Imperial War Cabinet to be held regularly between the plenary sessions."

I observed when this resolution was being considered in the Cabinet that the effect which the change proposed would have on the position of the [Governors-General] [Governor] and the Secretary of State would depend very much on how it worked out in practice. For myself, I said, and for the [Governors-General] [Governor] whose interests I represent as a Minister, all I could say was that I believed that they could loyally accept the decision as I did, but they and I must reserve their absolute freedom of action; so much must depend on the interpretation given to, and the use made of, the new conditions that they and I must not be bound by the decision arrived at, but must be free to take such action as we might think fit when we know from experience what the result has been.

I have, &amp;c.,

WALTER H. LONG.



40224

No. 295.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Sent 8.0 p.m., 16th August, 1918.)

TELEGRAM.

(Canada.)  
(Commonwealth of Australia.)  
(New Zealand.)  
(Union of South Africa.)  
(Newfoundland.)

(Paraphrase.)

PRIVATE and personal. 16th August. It was agreed at meeting of Prime Ministers, held 15th August, that following notice should be published in morning newspapers, 19th August:—*Begins*: During the past two-and-a-half months the Imperial War Cabinet has been in continuous session. Every aspect of policy affecting the conduct of the War and the question of peace has been examined by the Prime Ministers of the Empire and other members representative of all its parts. These meetings have proved of such value that the Imperial War Cabinet have thought it essential that certain modifications should be made in the existing channels of communication, so as to make consultation between the various Governments of the Empire in regard to Imperial policy as continuous and intimate as possible. It has therefore been decided that for the future the Prime Ministers of the Dominions, as members of the Imperial War Cabinet, shall have the right to communicate on matters of Cabinet importance direct with the Prime Minister of the United Kingdom, whenever they see fit to do so. It has also been decided that each Dominion shall have the right to nominate a visiting or a resident Minister in London to be a member of the Imperial War Cabinet at meetings other than those attended by the Prime Ministers. These meetings will be held at regular intervals. Arrangements will also be made for the representation of India at these meetings. *Ends*.—LONG

41004/S

No. 296.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.45 p.m., 21st August, 1918.)

TELEGRAM.

[Answered by No. 297.]

(Paraphrase.)

PERSONAL. It is desirable that you should telegraph detailed information as to the arrangements concluded with Prime Minister respecting channels of communication, also date on which it is to take effect. I hear on good authority that the vagueness of message\* published here 19th August is giving rise to conclusion that Colonial Office has been eliminated from the affairs of the Commonwealth. I believe that, unless details are published now showing that change refers merely to matters arising out of the War and does not interfere with the manner in which business was conducted prior to the War, message of 17th August will be regarded as implying the abolition of the recognition of the Colonial Office. If this matter is not soon set right by forwarding a more detailed message for publication it will be increasingly difficult to limit the scope of the new arrangement.—R. M. FERGUSON.

\* See No. 295.

41004/S

No. 297.

COMMONWEALTH OF AUSTRALIA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 5.20 p.m., 24th August, 1918.)

TELEGRAM.

(Paraphrase.)

PERSONAL. Your telegram of 21st August.\* New system is designed to meet War conditions. If justified by experience it may be extended beyond War. Direct communication with Prime Minister is not intended to be normal regular machinery, but is meant for exceptional circumstances, and telegraphic communications will continue as a rule to be conducted through Governor-General and Secretary of State as before. In any case direct communication cannot be initiated in Australia before the return of the Prime Minister. You are at liberty to make a statement to the above effect.—LONG.

45091

No. 298.

THE SECRETARY OF STATE to THE GOVERNORS-GENERAL  
AND GOVERNOR.†

(Sent 13th September, 1918.)

TELEGRAM.

[Answered by No. 299.]

PUBLISH following, which will appear in Press to-morrow:—

Considerable misapprehension exists with regard to the nature of the arrangement recently concluded whereby the Prime Ministers of the Dominions have been given the right of direct communication with the Prime Minister of the United Kingdom on certain matters, and it therefore seems desirable to state the exact nature of this arrangement.

After preliminary discussion in the recent Imperial War Conference, the subject was considered by the Imperial War Cabinet, where, on the 30th of July, the following resolutions were passed.

"I.—(1) The Prime Ministers of the Dominions, as members of the Imperial War Cabinet, have the right of direct communication with the Prime Minister of the United Kingdom, and vice versa.

"(2) Such communications should be confined to questions of Cabinet importance. The Prime Ministers themselves are the judges of such questions.

"(3) Telegraphic communications between the Prime Ministers should, as a rule, be conducted through the Colonial Office machinery, but this will not exclude the adoption of more direct means of communication in exceptional circumstances.

"II.—In order to secure continuity in the work of the Imperial War Cabinet, and a permanent means of consultation during the War on the more important questions of common interest, the Prime Minister of each Dominion has the right to nominate a Cabinet Minister, either as a resident or visitor in London, to represent him at meetings of the Imperial War Cabinet, to be held regularly between the plenary sessions."

It has recently been stated in the Oversea Press that dissatisfaction with Colonial Office methods of administration was the chief reason why this question was raised. The discussion at the Imperial Conference will shortly be published in a Blue Book, and it will then be seen that this statement is contrary to fact, and that the assumption that the attitude of the Dominions in this respect was inspired by distrust of the Colonial Office was expressly repudiated by the Dominion representatives, as is shown by the following extracts from the speeches made:—

\* No. 296.

† I.e., of all the Dominions.



MR. MASSEY: "I am glad to hear from both speakers (Mr. Hughes, who moved the resolution, and Sir Robert Borden, who supported it) that no reflection is intended on the Colonial Office as at present constituted. My experience of the Colonial Office during the time I have been Prime Minister—and I am now in my seventh year—is that they have done their work well and thoroughly, and enthusiastically, and I have always, personally, met with the greatest courtesy from the Colonial Office, from each and every one of the staff, from Mr. Long downwards. I do not wish to go into particulars now."

MR. HUGHES: "I cordially agree with that."

MR. BURTON: "As far as we are concerned in South Africa it is hardly necessary for me to say that the resolution is not prompted by any sense of dissatisfaction or of complaint against the administration of the Colonial Office, whether under your authority, sir, or, indeed, that of any of your predecessors. The days have long gone by when any such complaint could justly be made."

MR. COOK (after a complimentary reference to the assistance which the Naval Board of Australia had obtained from the Colonial Office on a particular occasion): "And, therefore, I think that that machinery, though perhaps it could be burnished up a little, would still be necessary for dealing with the detailed administration of the other Dominions, while reserving for the Prime Minister that other class of correspondence on cases which have to do with the policy of the Empire generally."

SIR JOSEPH WARD: "I want to add my word of recognition to the good work which the Colonial Office throughout, so far as my experience is concerned, has done. That not only applies to the present Secretary of State for the Colonies, but to his predecessors. I think from the point of view of the work of the Colonial Office none of the overseas countries have had any reason for complaint at all; on the contrary, I think they have had a great deal to be satisfied with."—LONG.

45383/S

No. 299.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 8.5 p.m., 17th September, 1918.)

TELEGRAM.

[Answered by No. 300.]

(Paraphrase.)

I HAVE considered fully your official news telegram of September 13th.\* No comment has been made here on announcement regarding channels of communication, and as it seems desirable in present political situation that as little as possible should be said here on such subjects, I have withheld publication of your telegram on my own responsibility.—BUXTON.

45383/S

No. 300.

## UNION OF SOUTH AFRICA.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.35 p.m., 19th September, 1918.)

TELEGRAM.

(Paraphrase.)

REFERRING to your telegram 17th September,† as to channels of communication, I do not wish to interfere with your discretion. If you are satisfied that it is best to withhold publication of my telegram of 13th September\* you will no doubt take opportunity of informing your Prime Minister of the matter.—LONG.

\* No. 298.

† No. 299.

48349/S

No. 301.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 7th October, 1918.)

(Private and Personal.)

SIR,

Governor-General's Office, Sydney, 25th July, 1918.

I HAVE the honour to supplement my cable of 20th July, 1918,\* in reply to yours of 18th July, 1918,\* asking for my views on the suggested change whereby His Majesty's Australian Prime Minister would be placed in direct relations with the British Prime Minister—thus setting aside the Governor-General as the channel of communication.

I have to observe that I have no information as to the reasons advanced for the change, nor as to the circumstances under which direct communication would be resorted to.

The present proposal made by Mr. Hughes goes far beyond unofficial and exceptional breaches in the accepted custom. It would revolutionize constitutional practice. His Majesty's Australian Prime Minister is, now, chief "adviser" to the Governor-General. The new procedure would make him "adviser" to the British Prime Minister and eliminate the Governor-General as a constitutional factor without substituting direct responsibility to the Crown. With direct communication between the two Prime Ministers the Governor-General might at any time be only in the partial confidence of his chief "adviser," and I am convinced that had Prime Ministers their own ciphers the Governor-General would often be totally set aside, and he would then be reporting to the Secretary of State on matters about which he was not fully informed, while the Australian Prime Minister would be supplying the British Prime Minister with complete details known only to himself.

To ensure the British Government having a strictly impartial narrative of any particular subject, it is imperative that it should pass through the hands of the Governor-General, whose act of passing on such narrative or representation, without comment, constitutes a certificate of accuracy.

The value of such accuracy and of an unbiased report on any given situation is more apparent when it is realized that Governments in Australia usually have very small and, almost always, very unstable majorities; the Prime Minister changes frequently; collective Cabinet responsibility is embryonic; the policy of an Acting Prime Minister may conflict with that of his Prime Minister; permanent officials are untrained, but powerful; and it is conceivable that a Secretary of the Australian Prime Minister's Department might communicate with a Secretary to the British Prime Minister on his own initiative though in the name of his chief.

To do away with the Governor-General's functions in this respect—or to withdraw any branch of official communication from his official office, which alone contains complete files—would therefore be to embark on uncharted waters.

Any deviation from the practice under which the Governor-General is entitled to know important projects in policy, and everything that passes between the two Governments, would risk the interests of both Governments and of Imperial policy.

Ireland or Japan, tariff or loan, defence or immigration—all present opportunity for forcing the British Prime Minister's hand, and on any one of these subjects it would always be possible for suspicions to be aroused that the two Prime Ministers were actively in collusion.

Difficult as it always is to uphold the custom of the Constitution, and limited as may be the powers of a Governor-General, it is my belief that once his status is lowered and the Australian Prime Minister ceases to find it necessary to tender his advice or communicate through him with the British Government, the Governor-General becomes useless to either Government.

\* Not printed.



Mr. Hughes also seems to forget that the Commonwealth Prime Minister only represents that section of Australian interests not subject to State jurisdiction. Were he to communicate direct with the British Prime Minister, and State Premiers with the Secretary of State, confusion must ensue, and an anomalous position be created by State Governors being the sole channels of communication, while the Governor-General is not. State Premiers are likely to insist on the same privileges and, consequently, the volume of business would become so great that a British Prime Minister would necessarily have to recreate a Colonial Office.

I am, of course, aware that all possible issues involved in the change, whereby not only will the Prime Ministers be in direct communication but each Dominion will have a Minister in London who will sit on the War Council, will have been duly considered and debated. As, however, you have pressed me for my observations on the scheme, I would like also further to point out that Mr. Lloyd George's proposals profoundly alter the relations of the Dominions with the Mother Country.

Under his scheme these will resemble foreign States having Representatives accredited to Downing Street, while the Governor-General will become the British Representative accredited to the Australian Government. This will give to the Dominions a status of independent nations in addition to their having the predominant voice in the Supreme Council of the Empire.

I have, &c.,

R. M. FERGUSON.

52066

No. 302.

CANADA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 29th October, 1918.)

(Confidential.)

SIR, Government House, Ottawa, 3rd October, 1918.  
I HAVE the honour to transmit herewith, for your information, a copy of the leading article of the *Montreal Gazette* of the 30th ultimo, commenting on the report recently issued by the Colonial Office on the arrangement by which Prime Ministers of the Dominions may communicate direct with the Prime Minister of the United Kingdom on subjects of Imperial concern. You will, I am sure, read this article with considerable interest.

I have, &c.,

DEVONSHIRE.

Enclosure in No. 302.

"MONTREAL GAZETTE," 30TH SEPTEMBER, 1918.

The Colonial Office.

The Secretary of State for the Colonies has deemed the matter of sufficient importance to formally disclaim the imputation that the recently made arrangement by which Prime Ministers of the Dominions may communicate direct with the Prime Minister of the United Kingdom on subjects of Imperial concern is a reflection on his department. It was scarcely worth while going to so much trouble. Time was, indeed, when the overseas possessions had a close and intimate touch with the Colonial Office, but that period is now only a memory to living generations, so supreme has become self-government in the Dominions, which have long outgrown colonial swaddling clothes. It would not be true to say of the Colonial Office that, like the House of Lords in Gilbert's burlesque, "it does nothing in particular and does it very well," nor that it is a mere funnel of communication between the Dominion and the Imperial Governments serving chiefly to cause circumlocution. Britain has still her Crown Colonies whose affairs are administered to a great extent by the Colonial Office, and in perpetuation of traditional custom the machinery of this department is conveniently employed in the exchange of despatches between the Home and the Dominion Governments of the British Commonwealth of nations. It is altogether desirable the link supplied by the Colonial Office should continue, even though it be more of form than of substance.

The officials of that department seem to be unduly sensitive, if we may judge them by the action of the Colonial Secretary in denying that the right of direct communication between Prime Ministers has been accorded because of distrust of, or dissatisfaction with, Colonial Office methods. Quite obviously the arrangement came to at the last meeting of the Imperial War Cabinet had no other purpose than to promote expedition in war times in making a decision upon

war problems. There can be few persons so dense as not to understand the motive, and the practical advantage of eliminating circumlocution when questions of grave and urgent importance call for quick determination. Red tape has its uses, but these are less apparent in war times. The tribute given to the Colonial Office by Mr. Massey, Premier of New Zealand, when the resolution providing for direct communication was under discussion in the Imperial Conference, will be concurred in. We quote his words: "I am glad to hear from both speakers, Mr. Hughes, who moved the resolution, and Sir Robert Borden, who supported it, that no reflection is intended on the Colonial Office as at present constituted. My experience of the Colonial Office during the time I have been Prime Minister, and I am now in my seventh year, is that they have done their work well and thoroughly and enthusiastically." This compliment is doubtless fully deserved, and may serve to compose any ruffled feelings of Colonial Office officials at the discarding of their intermediary services in matters of great urgency.

It is a long cry to the days of Downing Street rule in the case of the British Dominions. The self-governing power of Canada, Australia, New Zealand, South Africa, is now practically absolute. The right of disallowance of Dominion laws does exist, indeed, and ought clearly to be preserved in the interest of the Empire, so that it may be employed when the nature of the legislation warrants the action. Virtually, however, the power of disallowance by the King in Council is rarely exercised, never, it may be said, in respect of domestic legislation; and the higher rank the Dominions have attained in late years, their recognition as co-partners in the British Commonwealth, have practically relegated the power of disallowance to the limbo of forgotten things. The Colonial Office, like the Governors-General, will, we trust, long remain a branch of the Imperial Government, though its activities may be contracted and its earlier authority abridged since it provides a convenient means of communication between Governments in many matters of mutual concern. But in war-times it is oft more profitable not to stand upon the order of going, but to go.

57172

No. 303.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th November, 1918.)

(Confidential.)

SIR, Government House, Wellington, 3rd October, 1918.  
I HAVE the honour to acknowledge the receipt of your Confidential despatch Dominions No. 442, of the 15th of August,\* enclosing copies of the proceedings of the Imperial War Conference at its meeting on 18th July, on the subject of "channels of communication," and quoting the terms of the resolutions which were passed as the result of discussion at that meeting and subsequently.

2. On the return of my Prime Minister and the Minister of Finance from England, I will cause your despatch to be brought under the notice of Ministers.

3. It is specially pleasing to me, however, to seize the opportunity which now presents itself of expressing to you my warm thanks for the manner in which you acted as guardian of the interests of Governors-General throughout the discussions, and my deep appreciation of your very considerate regard for those interests which is reflected in the contents of the closing paragraph of your despatch.

I have, &c.,

LIVERPOOL,  
Governor-General.

60053/S

No. 304.

COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th December, 1918.)

(Private and Personal.)

SIR, Melbourne, 23rd October, 1918.  
WITH reference to your cable of 11th October, 1918,† relating to Germany's request for an armistice, commencing:

"Secret. Personal and Private. Following from Prime Minister in France to your Prime Minister . . . . ."

\* No. 294.

† Not printed.



I have the honour to report that I assumed Mr. Hughes had already seen the telegram, and that it was intended that I should forward a copy to the Acting Prime Minister here. This I accordingly did.

The opening direction (quoted above) led me to conclude that this telegram marks the initiation of the new system of direct communication between the British and Commonwealth Prime Ministers. The original intention was that it should remain inoperative until the Prime Minister's return to Australia, but it may have been thought expedient to adopt it at an earlier date owing to Mr. Hughes's prolonged stay in Great Britain.

Assuming, then, that direct communication has begun, it is essential—if the spirit of the new arrangement is to be observed—that the Acting Prime Minister should provide the Governor-General with copies of the messages he sends, and that the Colonial Office should learn their contents either from the British Prime Minister or from Mr. Hughes. With a view to guarding against the neglect of this procedure at your end I myself will forward to you copies of any messages I may receive from the Acting Prime Minister.

Moreover, in the event of the communications made by my Government to an Australian Prime Minister in England being revised by him before they are placed before the British Prime Minister, I regard it as important that the Acting Prime Minister should be informed through the Governor-General of the modifications effected, in order that both may be cognizant of the exact policy put forward in London on behalf of the Commonwealth.

In conclusion, I desire to point out that, as it is open to the Acting Prime Minister to establish direct communication with the British Prime Minister through the medium of Mr. Hughes in London, there is always the risk of the Colonial Office and the Governor-General being left in ignorance of Commonwealth policy, unless both receive copies of all messages that may be exchanged through these channels.

Up to the present I have not been furnished with the copies of any messages, and presume therefore that none exist.

I have, &c.,  
R. M. FERGUSON.

60054/S

No. 305.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th December, 1918.)

(Private and Personal.)

SIR,

Melbourne, 28th October, 1918.

I HAVE read with interest the Report of the Proceedings of the Imperial War Conference of 18th July, 1918, forwarded with your despatch (Dominions No. 442).\*

My despatch of 25th July, 1918,† deals mainly with the modifications which have been effected in the existing channels of communication between the Dominions and the Home Government, and touches briefly on the effect the proposed changes will have upon the status of Governors-General. You, Sir, have said, "Any change of this kind must materially affect them, viz., the Governors-General, probably more than anybody else," and that your "sole desire is the same as theirs—that such changes as are necessary shall be made in a way that shall tend to strengthen the foundations upon which the Empire as a whole rests."

It has to be considered whether that aim is attained by lowering the Governor-General's status, and restricting his sphere. It is as well, therefore, to note what part he plays in the Government of the country.

A nation composed, as it is, of many and various elements, looks to its official head to represent it, to focus and direct its aspirations, and to give outward expression to the fundamental unity of the nation and to the continuity of its basic policy. This function is performed by the King's Representatives in the Dominions. The Governor-General's field of action is confined to a smaller area than that in which

\* No. 294.

† No. 301.

the Crown holds sway, but, as you indicate, he is also the Representative of the Home Government, and, in Australia, he is the chief federal link uniting the States. He exercises his functions with regard to three departments of Government—

- (1) Imperial affairs.
- (2) Federal affairs, viz., relations between Commonwealth and States.
- (3) Commonwealth Government administration.

(1) *Imperial Affairs and Relations.* From the fact that he represents Australia as a unit of the Empire having responsible Government, the Governor-General is the medium through which inter-Imperial and foreign affairs are conducted. He is the only independent source from which the Home Government can receive unbiased reports on all subjects in which that Government has an interest or a right to intervene. Through him the Commonwealth Government can be informed unofficially of the policy of the British Government—as happened when Mr. Harcourt dealt with the question of spheres of influence in the Pacific. The Governor-General has frequently to intervene in order to secure the observance of regular procedure in the conduct of international and inter-Imperial affairs.

(1) The appointment by the Commonwealth Government of a Commission whose mission it was to inquire *inter alia* into conditions of trade, etc., in the New Hebrides—a step taken without previous intimation to the French Government. In this case I delayed the appointment of the Commission until the Secretary of State obtained the acquiescence of the French Government.

(2) The request made by the Commonwealth Navy Board to the High Commissioner of the Pacific, asking him to appoint Mr. Baxter as Naval Intelligence Officer in the Solomon Islands. This was done without previously informing the Commissioner of those Islands, one of whose subordinate officials had been already instructed to act in that capacity. On this occasion I was called on to placate the High Commissioner, who strongly resented the action of the Commonwealth.

(3) The peremptory exclusion from Australia of 200 Maltese immigrants who were sent on to New Caledonia, and were subsequently confined in a hulk in Sydney Harbour until they could be smuggled ashore. In this case I intervened in order to induce my Government to decide either to release the Maltese or to facilitate their return to their native land.

(4) The enforcement of the finger-print process on Japanese of good status arriving in this country, about which I have again made representations to the Government.

A fifth example is that of the Minister of External Affairs entering into direct communication with the Governor of Ceylon.

(2) *Federal Relations.* The influence of the Governor-General as tending towards the maintenance of unity within the Commonwealth was illustrated by the Recruiting Conference which I summoned, and which was attended by all parties and representatives of all States. On several occasions the relations between Federal and State Governments have been strained, and the visit of Federal Ministers to some States, notably Queensland, has led to disagreeable manifestations of ill-will. The presence of the Governor-General in all parts of the Commonwealth is invariably welcomed and, through him, the public are reminded of the essential unity of Australia, and in his presence State feeling gives way to a wider patriotism.

There can also be no doubt that, had the Federal Government informed me of their intentions with regard to certain measures, such as the formation of a Commonwealth Police, the raiding of the Brisbane State Government printing office, the fixing of meat prices, and the institution of legal proceedings against Mr. Ryan, I might have been able to prevail on them to modify or abandon proposals so fraught with danger to the peace of the country.

It will be noticed, from all the above incidents, that, when things have gone wrong it has been due partially to an inadequate resort to the Governor-General's advice, and that it is an enlargement rather than a diminution of his influence that is most to be hoped for.

(3) *Commonwealth Government Administration.* In this sphere the Governor-General is somewhat handicapped by the absence of records in his personal office of the customs and practices observed during the administrations of previous Governors-General, of which there is little trace. I was fortunate in



having Prime Ministers who have been desirous of carefully observing constitutional forms, but I have frequently found it necessary to insist upon the observance of forms safeguarding the Governor-General's constitutional rights.

But the tendency to disregard the rights and privileges of Parliament is also marked. The Commonwealth Parliamentary Session rarely ends. There have been only two Governor-General's speeches in six years; consequently, the policy of the Government is rarely formally disclosed, nor is the work of a Session reviewed in Parliament. The Prime Minister may take decisions with or without the knowledge of his Cabinet, while a Party caucus or State political labour league deliberating in secret session may dictate Commonwealth policy.

Control over finance hardly exists, either in departments or Parliament. In a recent debate, Mr. Tudor, Leader of the Opposition, pointed out that "as on so many previous occasions, the House was being asked to pass a vote of £75,000,000 in a few minutes."

In a country where such conditions prevail it is obviously important to strengthen the position of the one factor, viz., the Crown, which can enforce to a certain extent the observance of constitutional forms and provide a check on irregular or hasty action.

Mr. Hughes's speech at the Conference does not advance one sound argument to support the change which he advocates. He demands that there "should be reorganization of the Imperial machine so that Dominion correspondence goes direct to the British Prime Minister." He then admits that it would be necessary to appoint an Assistant Minister to relieve the Prime Minister. It is to be presumed that when Mr. Hughes asks that the "Imperial War Cabinet be invited to create suitable machinery for this purpose" he desires to see a new department established which would approximate just as closely to the Colonial Office as the Assistant Minister does to the Secretary of State.

It must be remembered that under the new system the British Prime Minister is to be in direct communication with the Dominion Prime Ministers, but not with the Governors-General. Therefore, he will have to deal with important questions without being in possession of the knowledge derived by the Secretary of State from the continual private letters and despatches received from Governors-General and Governors, which furnish an impartial account of the situation and information which only the man on the spot can give. The British Prime Minister will therefore either have to act on insufficient data or seek the advice of the Secretary for the Colonies, who will have a much better knowledge of relevant facts. The only other solution would be that the Prime Minister, as well as the Secretary of State, should have direct correspondence with Governors-General; but I must frankly state that, with the limited staff which a Governor-General can afford to maintain, such a duplication of work would be impracticable.

If the Governor-General is to represent the King only, and not the British Government, the latter will be totally unrepresented in Australia, which is an absurd position when the relative importance of the Commonwealth and the United Kingdom is considered, and when it is remembered that there are seven Commissioners in London looking after the interests of Australia, to whom a Resident Minister is to be added. Mr. Hughes speaks of his anxiety that Australia should possess "complete autonomy," but, so long as the Commonwealth is dependent on the British Government for naval defence, transport, and finance, it would be difficult to see how this country could be completely dissociated from Imperial authority.

I have endeavoured to show that the status of the Governor-General is at the best somewhat uncertain, that it requires constant effort on his part to maintain his authority, and that a change which transforms the Representative of the Crown into a social figurehead, having less than ambassadorial responsibility, is one which must necessarily diminish his power of usefulness, both as the official head of the Government in Australia and as a factor in maintaining the unity of the Empire.

I have, &c.,

R. M. FERGUSON.

# RESOLUTION XVI.: IMPERIAL MINERAL RESOURCES BUREAU.

The Imperial War Conference, having considered the memorandum by the Minister of Reconstruction on the Imperial Mineral Resources Bureau, as amended, agrees that the number of representatives of the mineral, mining and metal industries on the Governing Body of the Bureau should be increased from four (as originally agreed) to six. The Conference further approves the proposal for a Charter of Incorporation as set out in paragraph 6 of the memorandum and the proposals in paragraphs 7 and 8 as to the allocation of expenditure.

*Secretariat Note.*—No correspondence with the Dominion Governments with regard to this Resolution took place until 1919.



## RESOLUTION XVII.: DEMOBILIZATION.

The Conference agrees that an advisory and executive committee—to be known as the "Military Demobilization Committee of the British Empire"—should be set up forthwith:—

- (a) To consist of representatives of the Military authorities of the Dominions and Colonies, and of representatives of the War Office, India Office, and Ministry of Shipping, under the Chairmanship of the Secretary of State for War, or some one deputed by him; the secretariat of the Committee to be provided by the Mobilization Directorate of the War Office.
- (b) To consider all military questions of demobilization affecting the various Governments concerned by:—
  - (i) making decisions in regard to matters of detail;
  - (ii) submitting questions of principle which may arise from time to time to the Government or Governments concerned;
  - (iii) arranging for the fullest interchange of information with regard to plans for demobilization.
- (c) To sit, prior to general demobilization, at such time as may be considered necessary by the Chairman, during demobilization, as frequently as may be necessary to secure the complete mutual co-ordination of the demobilization procedure of the various Governments concerned.

*Secretariat Note.*—The correspondence arising out of this Resolution is printed with other correspondence as to Naval and Military Defence in Dominions No. 72.

## RESOLUTION XVIII.: PETROLEUM.

The Conference takes note of the Memorandum on the question of Petroleum, and, having regard to the great and growing importance of petroleum and its products for Naval, Military, and Industrial purposes, desires to commend the suggestions contained in the Memorandum to the serious consideration of the Governments concerned.

40000

No. 306.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.

(Commonwealth of Australia.

(New Zealand.

(Union of South Africa.

(Newfoundland.

Dominions No. 653. Confidential.)

[MY LORD DUKE,] [SIR,] [MY LORD,] Downing Street, 15th November, 1918.

I HAVE the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, the accompanying copy of a memorandum\* laid before the Imperial War Conference, 1918, on the subject of the petroleum position of the British Empire, together with copies of the Proceedings at the Conference,† when the matter was discussed and copies of the resolution‡ passed. Your Ministers will observe that the resolution was to the effect that the Conference desired to commend the suggestions contained in the memorandum to the serious consideration of the Governments concerned.

2. I should explain that Viscount Harcourt attended the Conference as Chairman of the Petroleum Policy Committee, which has been appointed to inquire into and advise as to the policy which His Majesty's Government should follow to secure supplies of oil for naval, military, and industrial purposes. Sir John Cadman was present as Director of the Petroleum Executive, which has been formed with the object of co-ordinating the work of the various departments in the United Kingdom interested in petroleum, and is also charged with the work of collecting information and data on petroleum matters.

3. His Majesty's Government would be glad to receive the views of your Government on the points dealt with in the memorandum, and to receive early intimation of any legislation contemplated to give effect to the suggestions contained in it. The Lords Commissioners of the Admiralty have intimated, with reference to the fifth paragraph of the memorandum, that they feel that the supplies of oil from the United States may not improbably be cut off through the rapidly increasing home requirements of that country which appear certain, at no very distant date, to overtake production.

4. I hope to send you shortly a statement on various points raised in the course of the discussion at the Imperial War Conference, in particular as regards—

- (a) recent developments in connexion with oil production in the British Empire elsewhere than in the Self-governing Dominions;
- (b) figures as to the production of oil in the British Empire as compared with its consumption (1) during the War, (2) in peace time, so far as estimates are available.

5. His Majesty's Government would suggest that it might be useful if particulars of questions of general interest arising in the Self-governing Dominions in connexion with the production of oil and its conservation in British hands were furnished to the Petroleum Executive, who in turn would be very glad to furnish any information required and to offer any assistance in their power, technical or otherwise, in regard to petroleum matters.

I have, &amp;c.

WALTER H. LONG.

\* See page 343 of Dominions No. 69.

† See pages 148-163 of Dominions No. 69.

‡ Resolution XVIII. (see above).



50984

No. 307.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.

Dominions No. 660. Confidential.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 19th November, 1918.

WITH reference to my Confidential despatch Dominions No. 653, of 15th November,\* on the subject of the petroleum position of the British Empire, I have the honour to request [Your Excellency] [you] to inform your Ministers that slight alterations have been made in paragraph 5 of the memorandum† since its circulation to members of the Imperial War Conference.

These alterations were made at Viscount Harcourt's wish.

I have, &c.,

WALTER H. LONG.

\* No. 306.

† Secretariat Note.—The memorandum is printed on pages 343-349 of Dominions No. 69. The first two lines of the fifth paragraph, with the alteration referred to here, should now read: "It is unnecessary to dilate on the results to the Empire if America at some future date should become a consumer of the whole, or the bulk, of her production of oil. The Roumanian," etc., etc., etc.

# RESOLUTION XIX.: NATURALIZATION.

This Conference is of opinion that legislation should be passed throughout the Empire restricting, for a period after the War, so far as in the circumstances of each country may be possible, the naturalization of citizens of present enemy countries, and also the acquisition by them of any form of political rights or of land or mining privileges.

[The Government of the Dominion of Canada abstained from voting; the Government of the Union of South Africa recorded dissent.]

# RESOLUTION XX.: NATIONALITY AND NATURALIZATION.

The Conference refers to the Resolution X. passed by the Imperial War Conference, 1917, recognizing the desirability and importance of securing uniformity of policy and action throughout the Empire with regard to naturalization, and recommends that a special Conference, representative of all parts of the Empire, should be held at the earliest practicable date to examine and report in the light of that Resolution upon any question connected with nationality or naturalization which any Government represented at the special Conference may desire to raise, and upon any suggestions which may be made for the amendment of the existing law.

46562

No. 308.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

(Canada.  
(Commonwealth of Australia.  
(New Zealand.  
(Union of South Africa.  
(Newfoundland.

Dominions No. 631.)

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 31st October, 1918.

WITH reference to my despatch Dominions No. 567, of the 10th October,\* I have the honour to transmit to [Your Excellency,] [you,] to be laid before your Ministers, copies of the British Nationality and Status of Aliens Act, 1914 (4 and 5 George V., chapter 17), which has been reprinted as amended in accordance with the British Nationality and Status of Aliens Act, 1918 (8 and 9 George V., chapter 38), together with copies of a memorandum prepared in the Home Office on the changes introduced into the Act of 1918 during its passage into law.

2. I take this opportunity of inviting your Ministers' attention to Resolutions XIX. and XX. of the resolutions agreed to by the Imperial War Conference, 1918, and to refer to pages 175-192, 221, and 244-245 of the Proceedings of the Conference upon this subject.

3. As regards Resolution XX., I understand from the Secretary of State for Home Affairs that the first meeting of the Special Conference on questions of nationality and naturalization was held on the 31st July last at the Home Office; copies of the proceedings were circulated to those who attended this Conference, and further memoranda are in process of preparation which will also be circulated. Sir George Cave informs me that he expects that the subjects thus raised will be referred by the members of the Special Conference to their Governments for instructions and that he hopes that they will be discussed by correspondence and at another meeting or meetings at a time generally convenient.

I have, &c.,

WALTER H. LONG.

\* No. 191. + [Cd. 9177].



## Enclosure in No. 308.

## CHANGES INTRODUCED INTO THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1918, DURING ITS PASSAGE INTO LAW.

## MEMORANDUM BY THE HOME OFFICE.

THESE changes fall into two classes:—

- A.—Changes in that part of the Bill which amends the Act of 1914 and which therefore affect the framework of the Imperial legislation on the subject of nationality and naturalization; and
- B.—Enactments affecting the United Kingdom only.

## A.—Amendments affecting the Act of 1914.

The Bill, as introduced into the House of Commons on 15th May, was substantially identical with the draft circulated for the approval of the self-governing Dominions and India, with the exception of a reference to the Lord Chancellor introduced into the proposed section 7 (3) and a power introduced into the same subsection to refer an inquiry into the High Court with a corresponding consequential amendment in section 2 (3) of the Bill.

During the passage of the Bill the amendments introduced were:—

1. *In the proposed new section 7 (1)*—
  - (a) the words "or by concealment of material circumstances" were inserted after the word "fraud."
  - (b) the word "overt" was omitted before the word "act."
  - (c) the words "disaffected or" were introduced before the word "disloyal."
  - (d) the word "shall" was substituted for the word "may" after the words "Secretary of State," and the reference to disloyal or disaffected acts or speeches was removed from subsection (2) of section 7 and placed in subsection (1).

The effect of these last-mentioned changes (d) is to make it compulsory on the Secretary of State, if satisfied of fraud or false representation, disaffection, or disloyalty, to revoke the certificate and to delete—as regards cases of disaffection or disloyalty—the provision in the Bill as introduced that the Secretary of State must also be satisfied that the continuance of the certificate is not conducive to the public good. The substitution of the word "shall" for the word "may" emphasized the view of Parliament that certificates in the cases referred to were to be withdrawn once the Secretary of State is satisfied that the necessary conditions are present.

2. *In the substituted section 7 (2)*—

- (a) the word "shall" was again substituted for the word "may" after "Secretary of State."
- (b) a new clause was introduced adding a new ground for revocation, viz., that the grantee has unlawfully traded or communicated with the enemy or has been associated with a business which to his knowledge was carried on so as to assist the enemy in war.
- (c) an amendment was introduced in sub-clause (b) making a sentence to a fine of not less than £100 imposed within five years of the date of the grant of the certificate a cause for the consideration of revocation.
- (d) a new sub-clause (e) was introduced according to which the fact that a naturalized person remains a subject of a State at war with His Majesty, according to the law of that State, becomes a cause for the consideration of the revocation of the certificate. It is understood that this subsection was specially aimed at persons who deliberately and of their own will retain an effective allegiance to an enemy State, and not at persons, such as former Turkish subjects, the law of whose country of origin does not recognize their change of nationality and continues to regard them as still subjects in spite of their naturalization in this country.

3. *New subsection 7 (3)*.—This subsection represents in part a drafting amendment incorporating the references to inquiries which were to be found in sub-clauses 7 (1) and 7 (2) of the Bill, and in part incorporates an amendment of substance making it obligatory on the Secretary of State to give the right to claim an inquiry by the Judicial Committee to the holder of a certificate which is proposed to be revoked for false representations or fraud, disloyalty, trading with the enemy, bad character, or continued allegiance to the enemy.

4. *New subsection 7A (1) (b)*.—A new provision has been introduced for the protection of the British-born wife of a person whose certificate is revoked. The effect of the subsection is that such a woman is in the same position as if she herself were the holder of the certificate, and she is given the same right as her husband to require a reference to the Committee of Inquiry.

5. *Subsection 7A (3)*.—This is a provision introduced to make it clear that a person whose certificate is revoked is to be treated as retaining his original nationality. The introduction of this provision appeared to be necessary, as in its absence it could not be regarded as certain that a court of law would hold, at any rate in cases where the person deprived of British nationality had, according to the law of his State of origin, lost his original nationality, that he could properly be treated as having in British law recovered it as a result of his denaturalization.

6. *Section 2 of the Act*.—

(a) Subsection (3) was introduced in order to clear up an ambiguity which since the draft Bill was circulated to the Self-governing Dominions and India has been found to exist in section 5 (2) of the Act of 1914. The language of that section before amendment, when read in connexion with the immediately following subsection (3), was open to the construction that the Secretary of State had no power to grant an independent certificate to a minor who fulfilled statutory conditions as to residence.

(b) In the same subsection the substitution of the word "Act" for "section" in section 5 (3) of the Act of 1914 is consequent upon the next amendment to be noted.

7. *Section 2 (5) of the Act*.—This is an important provision introduced into the Act during its passage through the House of Commons and intended to give the Secretary of State a discretion to allow a woman of British origin married to an alien enemy to be naturalized, although her husband is still alive and her marriage has not been dissolved. The object of the provision is to meet hard cases such as have come to light during the present War, in which women of British origin, between whom and their husbands of alien enemy nationality a complete separation in fact exists, are yet as persons technically of enemy nationality subjected to the restrictions applicable to alien enemies and suffer in consequence in their health and power of earning a living.

## B.—Amendments not affecting the Act of 1914.

Amendments affecting the United Kingdom only are contained in section 3 of the Act, which is a new section introduced by the Secretary of State during the passage of the Bill through the House of Commons; it affects the United Kingdom only, and is not intended to form part of the permanent Imperial law of nationality.

The first subsection of this section provides for the reference to the Judicial Committee of the question whether it is desirable that certificates of naturalization granted to the subjects of enemy States since the outbreak of the War should be revoked. Persons who at birth were British subjects (i.e., in particular the British-born widows of alien enemy husbands) are exempted from this enactment.

The second subsection of this section prohibits for a period of ten years after the War the grant of a certificate of naturalization to any alien enemy unless he or she has served with the Allied or American forces or is a member of a race or community known to be opposed to the enemy Governments, or was at birth a British subject.

25th September, 1918.



# RESOLUTION XXI.: RECIPROCITY OF TREATMENT BETWEEN INDIA AND THE DOMINIONS.

The Imperial War Conference is of opinion that effect should now be given to the principle of reciprocity approved by Resolution XXII of the Imperial War Conference, 1917. In pursuance of that Resolution it is agreed that:—

1. It is an inherent function of the Governments of the several communities of the British Commonwealth, including India, that each should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities.

2. British citizens domiciled in any British country, including India, should be admitted into any other British country for visits, for the purpose of pleasure or commerce, including temporary residence for the purpose of education. The conditions of such visits should be regulated on the principle of reciprocity as follows:—

(a) The right of the Government of India is recognized to enact laws which shall have the effect of subjecting British citizens domiciled in any other British country to the same conditions in visiting India as those imposed on Indians desiring to visit such country.

(b) Such right of visit or temporary residence shall, in each individual case, be embodied in a passport or written permit issued by the country of domicile and subject to *visé* there by an officer appointed by and acting on behalf of the country to be visited, if such country so desires.

(c) Such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.

3. Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition (a) that not more than one wife and her children shall be admitted for each such Indian and (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.

4. The Conference recommends the other questions covered by the memoranda presented this year and last year to the Conference by the representatives of India in so far as not dealt with in the foregoing paragraphs of this Resolution to the various Governments concerned with a view to early consideration.

*Secretariat Note.*—For the correspondence on this subject see Dominions No. 70.

# RESOLUTION XXII.—IMPERIAL COURT OF APPEAL.

The Conference is of opinion—

(1) That the question of replacing the present dual system of appeal by the constitution of one Imperial Court of Appeal demands the prompt consideration of His Majesty's Government.

(2) That the Lord Chancellor should be invited to prepare and circulate to the Governments of the Dominions and of India, as soon as possible, a memorandum of such proposals as in the opinion of His Majesty's Government are practicable for that purpose with a view to decision at the next Imperial Conference.

(3) That each such Government as soon as possible thereafter shall communicate to the Government of the United Kingdom its views with regard to such proposals.

40004

No. 309.

# THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL AND GOVERNOR.

(Canada.	} Dominions No. 630.)
(Australia.	
(New Zealand.	
(Union of South Africa.	
(Newfoundland.	

[MY LORD DUKE,] [MY LORD,] [SIR,] Downing Street, 31st October, 1918.

I HAVE the honour to transmit to you, to be laid before your Ministers, a copy of Resolution No. XXII. passed at the Imperial War Conference, 1918, on the question of the institution of an Imperial Court of Appeal, and to invite attention to pages 134-153, 202-208, and 210-11 of the Blue Book [Cd. 9177] on the work of the Conference, containing the discussions on the subject.

2. The memorandum by the Lord Chancellor will be forwarded as soon as it has been prepared.

I have, &c.,  
WALTER H. LONG.

*Secretariat Note.*—On 30th August, 1918, the Lord Chancellor wrote to the Prime Ministers of the Self-governing Dominions asking for their views as to the best method of carrying out the proposal in Resolution XXII. of the Imperial War Conference, 1918, and also upon any alternative proposals which might occur to them as practicable improvements in the system for disposal of final appeals.



## VI.

## SHORTHAND REPORTS OF IMPERIAL CONFERENCE DEBATES.

36764

No. 310.

THE SECRETARY OF STATE TO THE GOVERNORS-GENERAL  
AND GOVERNOR.

[Answered by Nos. 313, 314, 315, and 316.]

(Commonwealth of Australia.  
(Union of South Africa.  
(New Zealand.  
(Newfoundland.

Confidential.)

[MY LORD,] [SIR,]

Downing Street, 12th September, 1918.

I HAVE the honour to request [Your Excellency] [you] to inform your Ministers that I have received recently a letter from the Prime Minister of the Dominion of Canada stating that, if the Imperial Conference was to be continued both during the War and afterwards, he was strongly of opinion that the shorthand reports of its debates should be abolished. Sir Robert Borden acknowledged that a record of what was said was convenient for occasional reference, but, in his opinion, the disadvantages seemed greatly to outweigh the advantages. He thought that, after all, the real value of the Conference lay in its conclusions and not in the speeches upon which those conclusions might be based. Sir Robert Borden added that his colleagues at both the Imperial War Conference of 1917 and that of 1918 entirely agreed with him that much time was wasted, and that this waste was due in no inconsiderable degree to the fact that the speeches were recorded. He expressed the hope that his suggestion would be taken into very serious consideration.

2. I pointed out to Sir Robert Borden that the matter was not one which I could decide as Chairman, but one which the Conference must decide for itself. I undertook, however, to bring the question before the various Governments represented at the Conference in order that a decision might be taken by the time it became necessary to make arrangements for the next Conference.

3. I should be glad to be furnished with an expression of your Ministers' views on the question. I am taking steps to ascertain the views of the other Governments represented at the Conference.

I have, &amp;c.,

WALTER H. LONG.

36764

No. 311.

CANADA.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(Confidential.)

MY LORD DUKE,

Downing Street, 12th September, 1918.

I HAVE the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a despatch\* which I have sent to the other Self-governing Dominions with reference to a recent suggestion by the Prime Minister of Canada that the shorthand report of the debates of the Imperial Conference should be abolished.

I have, &amp;c.,

WALTER H. LONG.

\* No. 310.

36764

No. 312.

COLONIAL OFFICE to INDIA OFFICE.

(Confidential.)

SIR,

Downing Street, 12th September, 1918.

I AM directed by Mr. Secretary Long to transmit to you, to be laid before the Secretary of State for India, the accompanying copies of despatches\* which he has sent to Canada and the other Self-governing Dominions, with reference to a suggestion by Sir Robert Borden that the shorthand reports of the debates of the Imperial Conference should be abolished.

2. Mr. Long would be obliged for an expression of Mr. Montagu's views with regard to Sir Robert Borden's proposal.

I am, &amp;c.,

HENRY LAMBERT.

55526

No. 313.

NEWFOUNDLAND.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 19th November, 1918.)

(Confidential.)

SIR,

Government House, St. John's,

Newfoundland, 28th October, 1918.

I HAVE the honour to acknowledge the receipt of your Confidential despatch of the 12th September,† on the subject of shorthand reports of the Imperial Conference, and to inform you that my Ministers are in entire accord with the views set forth by the Right Honourable Sir Robert Borden as to the undesirability of having verbatim reports made of the deliberations of the Imperial Conference. They are of opinion that it would be sufficient to give the substance of the discussions of the Conference and the conclusions arrived at.

I have, &amp;c.,

W. H. HORWOOD.

2580

No. 314.

NEW ZEALAND.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 11th January, 1919.)

(Confidential.)

SIR,

Government House, Wellington, 29th November, 1918.

I HAVE the honour to inform you that I duly referred to my Ministers your Confidential despatch No. 2, of the 12th of September,† and at the same time invited them to express their views on the suggestion made by Sir Robert Borden that the shorthand reports of the debates of the Imperial Conference should be discontinued.

2. My Prime Minister has now advised me that the Government of this Dominion regret that they are unable to agree with Sir Robert Borden that these reports should be abolished. On the contrary, it is considered that the absence of such reports would not only be a serious loss to students of Imperial questions, but would cause some little inconvenience to Government Departments which are dependent on them at times for information regarding their Government's attitude on matters dealt with by the Conference.

I have, &amp;c.,

LIVERPOOL,  
Governor-General.

\* Nos. 310 and 311.

† No. 310.



4340

No. 315.

## UNION OF SOUTH AFRICA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th January, 1919.)

(Confidential.)

SIR, Governor-General's Office, Pretoria, 5th December, 1918.  
 WITH reference to your despatch, Confidential, of the 12th September,\* regarding shorthand reports of the debates of the Imperial Conference, I have the honour to inform you that the Acting Prime Minister here has communicated your despatch to General Botha, and has asked him to discuss the matter with General Smuts in England, and to reply direct to His Majesty's Government.

I have, &amp;c.,

BUXTON,  
 Governor-General.

9492

No. 316.

## COMMONWEALTH OF AUSTRALIA.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 12th February, 1919.)

(Confidential.)

SIR, Governor-General's Office, Melbourne, 2nd December, 1918.  
 REFERRING to your despatch Confidential, dated 12th September, 1918,\* on the subject of the abolition of the shorthand reports of the debates of the Imperial War Conference, I have the honour to inform you that the Commonwealth Government concurs in this proposal, subject to the agreement of the Right Honourable W. M. Hughes.

I have, &amp;c.,

R. M. FERGUSON,  
 Governor-General.

\* No. 310.

## VII.

TRADE REPRESENTATION OF COMMONWEALTH OF AUSTRALIA  
IN THE UNITED STATES.

44732

No. 317.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 4.20 p.m., 12th September, 1918.)

TELEGRAM.

[Answered by No. 318.]

12TH SEPTEMBER. Following from Prime Minister.  
*Begins.*—Government of Commonwealth of Australia has appointed Honourable Henry Yule Braddon as Commissioner for Australia in the United States. He leaves Sydney September 18th per "Sonoma," and permanent offices now being obtained for him at New York. His functions will be to develop trade relations between Republic and Commonwealth of Australia, extend Australian publicity in America, and, generally, take charge of shipbuilding and other business interests there. Commonwealth will be glad if Secretary of State will take such action as will cause his status to be officially recognized by Government of United States and enable Commissioner to get direct touch with British Ambassador at Washington.—Ends.—FERGUSON.

54888

No. 318.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 427.)

SIR, Downing Street, 25th November, 1918.  
 WITH reference to Your Excellency's telegram of 12th September,\* I have the honour to request you to inform your Ministers that His Majesty's Chargé d'Affaires at Washington has been instructed to notify the United States Government and His Majesty's Consular Officers in the United States of Mr. Braddon's appointment as Trade Commissioner in the United States for Australia.

I have, &amp;c.,

WALTER H. LONG.

57059

No. 319.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th November, 1918.)

(Miscellaneous (3).)

Commonwealth of Australia,  
 SIR, Governor-General's Office, Melbourne, 26th September, 1918.  
 I HAVE the honour to inform you that Mr. Henry Yule Braddon has been appointed by the Commonwealth Government to be Commissioner to represent the Commonwealth in the United States.

Mr. Braddon left Sydney for New York on the 18th instant, accompanied by two Commonwealth officers, who have been appointed to be Secretary to the Commissioner's Office, and Private Secretary to the Commissioner, respectively.

Mr. Braddon's emoluments will comprise: salary at the rate of £3,000 per annum, and personal allowance at the rate of £2,000 per annum.

His appointment is for six months, subject to extension at his wish.

\* No. 317.



He has for many years past occupied quite a leading position in the commercial life of New South Wales, and at the date of his new appointment was senior representative of Messrs. Dalgety and Company, who handle important interests spreading over the whole of the Commonwealth.

In his letter of appointment Mr. Braddon's functions have been set out as follows:—

- (a) To develop trade relations between the United States of America and Australia.
- (b) To extend as widely as possible in the United States the publicity of information relating to Australia.
- (c) To take charge of all matters relating to the construction of ships for the Commonwealth Government in the United States, and other Australian business interests in that country.
- (d) To furnish reports at regular intervals on any matters which are likely to be of interest to the Government.

With regard to (a), it has been impressed upon Mr. Braddon that, in view of the existing exceptional conditions due to the War, he will for the present confine his attention to preliminary inquiries into and consideration of possibilities of increasing trade between Australia and America in order that a policy may be in readiness for taking more definite steps when the time is opportune.

It is desired that he will carefully examine the question of Australian exports to the United States, with a view to not only maintaining, and, if necessary, improving, the standard of those exports, but of increasing their flow to America; and more particularly to have regard to the following items:—

Wool (including tops and yarns), wheat, meat, fruit, butter, timber (hard), wines, metals, leather, tallow, skins, etc.

Similarly he will be expected to investigate possible imports to the Commonwealth from America, and advise the Government from time to time in regard thereto. Some of the items which require attention in this connexion are:—

Manufactured wares (steel and iron, etc.), motor-cars, canned goods, timber (soft), fruit and fruit trees.

At the instance of my Prime Minister, I furnished Mr. Braddon with letters of introduction to Their Excellencies the British Ambassador at Washington and the Governor-General of Canada.

I have, etc.,

R. M. FERGUSON,

Governor-General.

Co 886/7/12



Dominions

No. 62.

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CONFIDENTIAL.

# IMPERIAL WAR CONFERENCE, 1917.

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MINUTES OF PROCEEDINGS

AND

PAPERS LAID BEFORE THE CONFERENCE

(Other than those published in [Cd. 8566]).

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## PRELIMINARY NOTE.

Meetings of the Imperial War Conference took place on various dates between 21st March and 27th April 1917, being held, as a rule, on alternate days to those of the meetings of the Imperial War Cabinet.

The majority of the Resolutions passed, together with extracts from the Proceedings and certain of the Papers laid before the Conference, have been published in [Cd. 8566.].

The present volume contains the remainder of the Resolutions, Proceedings, and Papers.

For convenience of reference, a complete Summary of the Proceedings and a complete List of the Papers laid before the Conference are included in this volume. The Resolutions are also set out in full.



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### III.—RESOLUTIONS AGREED TO BY THE CONFERENCE.

The following Resolutions were unanimously agreed to by the Conference:—

#### I.

##### Demobilization.

(*Second Day; Saturday, March 24th. See p. 15.*)

It was agreed that all Dominion contingents in France should start as soon as possible with their equipment from a French or Belgian port, but arrangements will be made to give individual soldiers desiring to visit this country furlough for that purpose.

#### II.

##### Uniformity of Equipment.

(*Third Day; Monday, March 26th. See p. 35.*)

That this Conference, recognising the importance of assimilating as far as possible the military stores and equipment of the Imperial forces throughout the Empire, recommends that an expert Committee representative of the military authorities of the United Kingdom, the Dominions, and India be appointed as early as possible to consider the various patterns in use with a view to selecting standard patterns for general adoption as far as the special circumstances of each country admit.

#### III.

##### Training of Ordnance Personnel.

(*Third Day; Monday, March 26th. See p. 36.*)

This Conference is of opinion that it is desirable that the ordnance personnel of the military organisations of the Empire should, as far as possible, be trained on the same methods and according to the same principles, and that to secure this end selected officers of the ordnance service from all parts of the Empire should be attached for adequate periods to the Imperial Ordnance Department.

#### IV.

##### Naval Defence.

(*Fifth Day; Friday, March 30th. See p. 81.*)

That the Admiralty be requested to work out immediately after the conclusion of the War what they consider the most effective scheme of Naval Defence for the Empire for the consideration of the several Governments summoned to this Conference, with such recommendations as the Admiralty consider necessary in that respect for the Empire's future security.

#### V.

##### Trade Commissioner Service.

(*Seventh Day; Wednesday, April 4th. See p. 20 of [Cd. 8566.].*)

That the Imperial War Conference welcomes the proposed increase of the Board of Trade service of Trade Commissioners and its extension throughout the British Empire in accordance with the recommendations of the Dominions Royal Commission, and recommends that the Governments concerned should co-operate so as to make that service as useful as possible to the Empire as a whole, especially for the promotion of Inter-Imperial Trade.

#### VI.

##### Patents.

(*Seventh Day; Wednesday, April 4th. See p. 123.*)

The Imperial War Conference commends the proposals of the Board of Trade in the Memorandum on Patents and Trade Marks to the careful consideration of the several constituent Governments of the Empire.

#### VII.

##### Representation of India at future Imperial Conferences.

(*Eighth Day; Friday, April 13th. See p. 22 of [Cd. 8566.].*)

That the Imperial War Conference desires to place on record its view that the Resolution of the Imperial Conference of 20th April 1907 should be modified to permit of India being fully represented at all future Imperial Conferences, and that the necessary steps should be taken to secure the assent of the various Governments in order that the next Imperial Conference may be summoned and constituted accordingly.

#### VIII.

##### Care of Soldiers' Graves.

(*Eighth Day; Friday, April 13th. See p. 35 of [Cd. 8566.].*)

The Conference, having considered the Minute addressed to the Prime Minister on the 15th March 1917 by His Royal Highness the Prince of Wales, concurs in the proposals made therein, and humbly prays His Majesty to constitute by Royal Charter an Imperial War Graves Commission for the purposes stated by His Royal Highness, and along the lines therein set forth as embodied in the draft charter submitted to the Conference. The Conference places on record its very deep appreciation of the generous action of the French Government in allotting in perpetuity the land in that country where our men are buried, and urges that similar arrangements should be made, if possible, in the terms of peace with all Governments—Ally, Enemy, or Neutral—for a similar concession in Gallipoli, Mesopotamia, Africa, and all other theatres of war. The Conference desires to record its grateful appreciation of the work already done by the Prince of Wales and his Committee in caring for the graves of those who have fallen in the common cause of the Empire, and its satisfaction that His Royal Highness has consented to become the President of the permanent Commission.

#### IX.

##### Constitution of the Empire.

(*Ninth Day; Monday, April 16th. See p. 61 of [Cd. 8566.].*)

The Imperial War Conference are of opinion that the readjustment of the constitutional relations of the component parts of the Empire is too important and intricate a subject to be dealt with during the War, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities.

They deem it their duty, however, to place on record their view that any such readjustment, while thoroughly preserving all existing powers of self-government and complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same; should recognise the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations; and should provide effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine.

#### X.

##### Naturalization.

(*Tenth Day; Wednesday, April 18th. See p. 70 of [Cd. 8566.].*)

The Conference recognises the desirability and importance of securing uniformity of policy and action throughout the Empire with regard to naturalization.

It is resolved that the proposals set forth in the Memorandum submitted by the Home Office be commended to the consideration of the respective Governments summoned to the Conference.



## XI.

## Earl Grey's Scheme for a Dominion House in Aldwych.

(Tenth Day; Wednesday, April 18th. See p. 84 of [Cd. 8566].)

The Conference, in expressing to Earl Grey its deep appreciation and warm thanks for the great interest that he has taken in the proposal to secure the Aldwych site, and to erect thereon a building suitable for the purposes of the Dominions, considers that it is not practicable to proceed with the proposal under existing conditions or in the immediate future.

## XII.

## Care of Soldiers' Graves.

(Eleventh Day; Monday, April 23rd. See p. 92 of [Cd. 8566].)

That the Imperial War Graves Commission be requested as soon as possible after their appointment and organization to prepare an estimate of the probable cost of carrying on the work entrusted to them and to submit the same to the Governments of the United Kingdom and Oversea Dominions with their recommendation as to the proportion that should be borne by each.

## XIII.

## Imperial Mineral Resources Bureau.

(Eleventh Day; Monday, April 23rd. See p. 173.)

That it is desirable to establish in London an Imperial Mineral Resources Bureau, upon which should be represented Great Britain, the Dominions, India, and other parts of the Empire.

The Bureau should be charged with the duties of collection of information from the appropriate Departments of the Governments concerned and other sources regarding the mineral resources and the metal requirements of the Empire, and of advising from time to time what action, if any, may appear desirable to enable such resources to be developed and made available to meet the metal requirements of the Empire.

That the Conference recommends that His Majesty's Government should, while having due regard to existing institutions, take immediate action for the purpose of establishing such a Bureau, and should as soon as possible submit a scheme for the consideration of the other Governments summoned to the Conference.

## XIV.

## Production of Naval and Military Material, Munitions, and Supplies.

(Twelfth Day; Tuesday, April 24th. See p. 187.)

That this Conference, in view of the experience of the present War, calls attention to the importance of developing an adequate capacity of production of naval and military material, munitions, and supplies in all important parts of the Empire (including the countries bordering on the Pacific and Indian Oceans) where such facilities do not presently exist and affirms the importance of close co-operation between India, the Dominions, and the United Kingdom with this object in view.

## XV.

## Double Income Tax.

(Thirteenth Day; Wednesday, April 25th. See p. 109 of [Cd. 8566].)

The present system of Double Income Taxation within the Empire calls for review in relation—

- (i) to firms in the United Kingdom doing business with the Oversea Dominions, India, and the Colonies;
- (ii) to private individuals resident in the United Kingdom who have capital invested elsewhere in the Empire, or who depend upon remittances from elsewhere within the Empire; and
- (iii) to its influence on the investment of capital in the United Kingdom, the Dominions, and India, and to the effect of any change on the position of British capital invested abroad.

The Conference, therefore, urges that this matter should be taken in hand immediately after the conclusion of the War, and that an amendment of the law should be made which will remedy the present unsatisfactory position.

## XVI.

## Development and Control of Natural Resources.

(Thirteenth Day; Wednesday, April 25th. See p. 111 of [Cd. 8566].)

Having regard to the experience obtained in the present War, this Conference records its opinion that the safety of the Empire and the necessary development of its component parts require prompt and attentive consideration, as well as concerted action, with regard to the following matters:—

- (1) The production of an adequate food supply and arrangements for its transportation when and where required, under any conditions that may reasonably be anticipated.
- (2) The control of natural resources available within the Empire, especially those that are of an essential character for necessary national purposes, whether in peace or in war.
- (3) The economical utilization of such natural resources through processes of manufacture carried on within the Empire.

The Conference commends to the consideration of the Governments summoned thereto the enactment of such legislation as may assist this purpose.

## XVII.

## Control of Imports after the War from present Enemy Countries.

(Thirteenth Day; Wednesday, April 25th. See p. 112 of [Cd. 8566].)

The Imperial War Conference consider it desirable, with a view to prevent dumping or any other mode of unfair competition from present enemy countries during the transition period after the War, that the several Governments of the Empire, while reserving to themselves freedom of action in any particular respect, take power to control the importation of goods originating in such countries into the Empire for a period of twelve months after the War.

## XVIII.

## Control of Wool Supplies.

(Thirteenth Day; Wednesday, April 25th. See p. 206.)

It is desirable that there should be immediate consultation among such of the Governments of the Empire as are concerned with Wool Production for the purpose of framing a scheme for the control, as far as possible, of wool produced in the British Empire during the period immediately following the War, with a view to safeguarding Imperial resources and meeting the industrial needs of the Empire and the Allies.

## XIX.

## Control of Ores and Metals.

(Thirteenth Day; Wednesday, April 25th. See p. 206.)

(1) That it is desirable that the exports to foreign countries of important ores and metals (the produce of the British Empire) should be controlled for a period after the War.

(2) That the Conference would welcome appropriate measures for the purpose of freeing the Empire and the Allied Countries from any previous dependence on German-controlled organisations with respect of non-ferrous metals and ores.

(3) That the Governments of the Empire should consider the desirability of imposing restrictions on the acquisition of mineral rights within the Empire by or on behalf of subjects of present enemy states.

## XX.

## Control of Meat Supplies.

(Fourteenth Day; Thursday, April 26th. See p. 226.)

In view of the extent to which the United Kingdom and certain other parts of the Empire are dependent on overseas supplies for meat, and of the desirability of freeing British markets from excessive dependence on foreign organisations which control important sources of supply, this Conference is of opinion that there should be co-operation between the Governments of the Empire to ensure that the Empire should become as far as possible self-sufficing in the matter of meat supplies, and that the Governments concerned should prepare detailed plans with this object.



## XXI.

## Imperial Preference.

(*Fourteenth Day; Thursday, April 26th. See p. 114 of [Cd. 8566.]*.)

The time has arrived when all possible encouragement should be given to the development of Imperial resources, and especially to making the Empire independent of other countries in respect of food supplies, raw materials, and essential industries. With these objects in view this Conference expresses itself in favour of:—

- (1) The principle that each part of the Empire, having due regard to the interests of our Allies, shall give specially favourable treatment and facilities to the produce and manufactures of other parts of the Empire.
- (2) Arrangements by which intending emigrants from the United Kingdom may be induced to settle in countries under the British flag.

## XXII.

## Reciprocity of Treatment between India and the Self-governing Dominions.

(*Fifteenth Day; Friday, April 27th. See p. 120 of [Cd. 8566.]*.)

That the Imperial War Conference, having examined the Memorandum on the position of Indians in the Self-governing Dominions presented by the Indian representatives to the Conference, accepts the principle of reciprocity of treatment between India and the Dominions and recommends the Memorandum to the favourable consideration of the Governments concerned.

## XXIII.

## Address to His Majesty the King.

(*Fifteenth Day; Friday, April 27th. See p. 120 of [Cd. 8566.]*.)

That His Majesty the King be asked to receive the Members of the Imperial War Conference now in Session, who desire to present a humble address to His Majesty.

## XXIV.

## Temptations of Oversea Soldiers.

(*Fifteenth Day; Friday, April 27th. See p. 245.*.)

That the attention of the authorities concerned be called to the temptations to which our soldiers when on leave are subjected, and that such authorities be empowered by legislation or otherwise (1) to protect our men by having the streets, the neighbourhood of camps, and other places of public resort, kept clear, so far as practicable, of women of the prostitute class, and (2) to take any other steps that may be necessary to remedy the serious evil that exists.

## XXV.

## Concluding Resolution.

(*Fifteenth Day; Friday, April 27th. See p. 124 of [Cd. 8566.]*.)

The Members of the Conference representing India and the Oversea Dominions desire before they separate to convey to the Secretary of State for the Colonies their earnest and sincere appreciation of his labours in preparing for, and presiding over, the Conference.

They desire also to put on record their deep sense of gratitude for the many courtesies which they have received from the Prime Minister and the other members of His Majesty's Government, as well as for the generous hospitality which has been extended to them by the Government and people of the United Kingdom.

## IV.—MINUTES OF PROCEEDINGS

(other than those published in [Cd. 8566.] )

### FIRST DAY.

Wednesday, 21st March 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11.30 A.M.

The names of those present and the proceedings are printed on pp. 8-11 of [Cd. 8566.]

### SECOND DAY.

Saturday, 24th March 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11 A.M.

The names of those present are printed on p. 12 of [Cd. 8566.]

#### Loyal Resolution.

(See p. 13 of [Cd. 8566.] )

#### Agenda.

(See p. 13 of [Cd. 8566.] )

#### Communication of Proceedings to Australia.

CHAIRMAN: There is a small matter which I have to ask the Conference to decide, if it is so pleased, namely, whether we are to make any communication to Australia from time to time, and, if so, what form that communication should take. His Majesty's Government have received no reply from Australia to the telegram which the Conference will remember was sent as the result of the first meeting of the Imperial War Cabinet. It would be possible, of course, to send a telegram informing them that we had met, and that we had discussed certain subjects, but I do not think we could possibly send them an extensive telegram, because it would have to be so long that it would add materially to the labours of the telegraphic department, which are already very heavy.

Mr. MASSEY: I think we should communicate the results to Australia from time to time. I do not think we can go any further, though I feel it is a matter of great regret that Australia is not represented in some form at this Conference, and at the War Cabinet too, for that matter. I think they should be told what we are doing.

CHAIRMAN: I can send them reports by mail, and I should do so in any case, but they will not reach them for a long time.

Sir GEORGE PERLEY: Would not it be possible to send them any definite decision arrived at by telegraphing it?

CHAIRMAN: Yes, we could do that, or we could telegraph to them, and say, "We are going to discuss so and so on Thursday," or whatever the day is, and add, "Would you like to say anything?"

General SMUTS: We might send them from time to time the subjects we are discussing, and, when we have passed a Resolution, inform them of that Resolution.

CHAIRMAN: I shall be prepared to do that if the Conference desires it, but I do not think we can do more. If you so desire, I will adopt that course.

Sir ROBERT BORDEN: Then it will go as a secret communication for the present until the deliberations of the Conference are made public, so far as they are made public.



2nd Day.] COMMUNICATION OF PROCEEDINGS TO AUSTRALIA. [24 March 1917.

CHAIRMAN: It will be confidential, and I will arrange that with the Commonwealth Government.

Mr. MASSEY: It will go to the Governor-General, as a matter of fact.

#### Demobilization of Dominion Contingents.

CHAIRMAN: Then may we pass to the first item on the Agenda, which is demobilization, for which the Secretary of State for War, Lord Derby, has been good enough to attend, and to bring his advisers with him.

LORD DERBY: I am here to-day to represent the War Office, but I think naturally you would wish to have not a statement from me, being one who has gone into the matter only in general terms, but from somebody who has gone into it in detail. This question of the demobilization of the Overseas Forces was begun before I became Secretary of State; it was begun under Mr. Lloyd George. Sir Reginald Brade is here, and he is the man, on behalf of the War Office, who was principally concerned in drawing up the Memorandum on Demobilization,\* on which you will have the discussion. As far as I am concerned, all I can say is that we at the War Office shall carry out to the fullest any decision at which you may arrive in regard to this demobilization. It will be the greatest possible benefit for us to have your advice as to how it should be done. There will be no steps left untaken by us to carry your wishes into execution. Afterwards there is the question of Uniformity of Equipment, and that again is a technical subject on which General Sir John Steevens will be here to represent the Department and give you all information.† "War Medals," I understand, is not to be taken to-day.

Sir ROBERT BORDEN: Before the subject is begun, I think I might draw attention to one matter mentioned in the Memorandum by the Quartermaster-General's Department: "Undoubtedly America is a better source of supply than Canada, both in numbers and in quality." This is in the Quartermaster-General's Report with regard to horses. It is perfectly true that the title "America" includes not only the North American Continent but South America, but I was not aware that it was customary to use that expression in documents here. I suppose "America" there means the United States. I have always considered that Canada was in America.

Mr. CHAMBERLAIN: We are rather apt here to think you have outgrown America.

LORD DERBY: I offer on behalf of the Quartermaster-General my apologies, and ask that the words "U.S.A." be substituted for "America."

Mr. CHAMBERLAIN: The difficulty here is that the United States Ambassador calls himself the American Ambassador and calls the Embassy, not the Embassy of the United States, but the American Embassy.

Sir ROBERT BORDEN: I am aware that they have assumed in their official communications a title which embraces both the North and South American Continents. But we have never adopted that designation in Canada, and I hope it will not be adopted here. It would be very difficult for people to go from Canada to America. It would sound better, in order to obtain a logical result, to employ some other designation.

LORD DERBY: Will you take it from me, as I have to go to another meeting, that we will convey the suggestion that "U.S.A." should be substituted for the word "America"? When it comes to the question of horses, General Sir William Birkbeck, the Director of Remounts, is here and will give you any information. Perhaps you would now like Sir Reginald Brade to take my place and give you a short summary of what led up to this note on demobilization.

Mr. CHAMBERLAIN: Did I understand the Secretary of State for War to say that we would not discuss "War Medals" to-day?

LORD DERBY: I have had a message to say that medals would not be taken to-day. I do not know how it came.

Mr. MASSEY: It is on the Order Paper.

\* See Memorandum on Demobilization printed on p. 249.

† See Memorandum printed on page 253.

24 March 1917.] DEMOBILIZATION OF DOMINION CONTINGENTS. [2nd Day.

Mr. CHAMBERLAIN: We want to have an opportunity of discussing it with the representatives of the Army Council, because their recommendations are not received enthusiastically in all quarters.

LORD DERBY: I know they will not be.

Sir JOSEPH WARD: In New Zealand there is a very strong feeling about it.

Mr. CHAMBERLAIN: I know; and we want an opportunity of discussing it with the Army Council, because opinions differ.

CHAIRMAN: I think the message was that it might not be reached; I do not think it was that it would not be taken.

LORD DERBY: I do not think the message said it would not be taken, but that it would not be reached. If it comes up I can be over here in five minutes. We had better have it discussed in order to find out what the views are on the Medal question.

CHAIRMAN: Sir Reginald Brade is the Secretary of the War Office and he will bring this case before you.

Sir REGINALD BRADE: I do not know that I have very much to add to what is stated in the note which has been circulated. The main object we have in view is to secure the utmost rapidity in the demobilization of the troops. It is a very difficult thing to bring back enormous numbers of men, but we have instructions from the Cabinet to start by getting home from France and resettling in civil life one million men as a first batch. The scheme is to bring them over as individuals and not by military formations, but by trades, and steps are being taken for that. The plan is devised for getting rid of, roughly, up to 40,000 a day (including troops at home and in France), so as to dispose of this one million men as quickly as possible. The fear of the War Office is that if the Dominions contingents, who will not be, so far as we are concerned, demobilized on the same plan, but will be returned as units with their complete equipment, come to this country they will block the avenues through which the other troops are returning to their homes. That briefly is the problem, and that is why we suggest in this paper that for various reasons it would be advisable, and tend to more speedy demobilization of the whole of the troops, if the Dominion contingents were put on board fully equipped at French or Belgian ports that may be available when the time comes and sent direct to their respective homes. The War Office do realise the Imperial point of making absolutely certain that no soldier of the Dominions shall be in a position to go home eventually and say that, notwithstanding all he had done in fighting the battles of the Empire, he had not seen the Old Country. I think the Canadian men have all passed through this country, or been in this country for some time, and arrangements are made for the members of the other contingents to take furlough in this country, excepting those who have not got further than Egypt. That process will continue to go on. I do not know that I can say anything more. That is the object the War Office had in making the suggestions, and they have put down in this paper what they think the relevant considerations.

CHAIRMAN: What the War Office desire from this Conference to-day is that it should decide (Sir Reginald will correct me if I am wrong) whether, when demobilization comes, troops which are at that time in the theatres of war are to be demobilized and returned home by the shortest possible route and in the most rapid way, or whether any other consideration, such as an intermediate visit to the United Kingdom, is to be a *sine qua non*, even if it would interrupt the movement of troops to the nearest port and there loading and being sent off. That is what you want, is it not?

Sir REGINALD BRADE: Yes.

Sir ROBERT BORDEN: Have not the proposals been agreed to by all the Dominions except New Zealand?

Mr. MASSEY: Apparently, from the last paragraph, yes. I would like to say that so far as New Zealand is concerned, and the New Zealand soldiers particularly, there is a very strong feeling that before returning to their own country, which is the furthest away of all the Dominions, they should have an opportunity of another look in the case of those who have already seen the Old Country, and a first look in



Mr. MASSEY—*cont.*

the case of those who have not seen it at all, as they may never have an opportunity of seeing it again. I may say that while the New Zealand troops come here and go into camp for a week or two, or three, as the case may be, and perhaps even longer than that, they do not have an opportunity of seeing much of Britain. They see the immediate neighbourhood of the camp where they are located for the time being, but they do not have an opportunity of visiting the different centres until after they have been to France, and they do not get leave until it comes to their turn. Lately I have had quite a number of complaints from soldiers to the effect that although they have been nearly two years upon active service, yet they have never had an opportunity of seeing England. From the point of view of New Zealand, and from the Imperial point of view, I consider it exceedingly important that our men should have an opportunity of seeing the United Kingdom before they go back to their own country. I would suggest, and I think Sir Joseph Ward will agree with me in this, that our men should sail from England, that is to say, from a British port, instead of sailing from a French or Belgian port, as has just been suggested.

Sir REGINALD BRADE: Of course, that means that they would be shipped in France as units with all their equipment and then they would come to a British port and disembark and go to some camp.

Mr. MASSEY: It is no use bringing them here and putting them into a camp and keeping them there.

Sir REGINALD BRADE: They would have to come ashore and go to a camp or barracks before they get furlough.

Sir ROBERT BORDEN: You could not have the whole Expeditionary Force on furlough at the same time.

Mr. MASSEY: No; they cannot all go in one day or two, or in a month; it would be spread over six months at least.

Sir REGINALD BRADE: The ships would be waiting there and you would have all that waste.

Mr. MASSEY: You are suggesting that the ships trading between Britain and New Zealand would be the ships which would bring them over from France, but I do not suggest that for one moment and I do not think it is at all likely. They would be brought over in the ordinary steamers trading between this country and France, or whatever vessels might be employed by the War Office. They would not be brought over in the other ships; to do that would be a very serious waste of time which we cannot afford.

Sir REGINALD BRADE: They are going back, are they not, with their full equipment?

Mr. MASSEY: I hope so.

Sir REGINALD BRADE: That means, supposing they come over as individual soldiers going on leave, they will have to stand by until their equipment reaches them, so that they can with their equipment embark on ocean-going ships to go to New Zealand.

Mr. MASSEY: Why not bring the equipment with them? Do you require special types of ship to take them over from England to France when they are going over to join their fellow soldiers at the front?

Sir REGINALD BRADE: Not when they go as reinforcements; when they go as reinforcements they go in what may be called the ferry service.

Mr. MASSEY: Why cannot they come back that way?

Sir REGINALD BRADE: They can. But your men would want to pick up their equipment before they go home eventually, and that equipment will be in France, according to your plan. They would come over as soldiers to see the Old Country and go somewhere or other to wait until the general equipment should come. I think General Steevens can tell you what their equipment amounts to.

Sir JOHN STEEVENS: Guns, carriages in the case of the artillery—the whole of their matériel.

Mr. MASSEY: Stop, for one moment. So far as I can see, it is not necessary that they should take their guns with them and all the equipment connected with the guns. It is necessary that they should take with them whatever they carry when marching, but, so far as I can see, nothing more than that.

Sir ROBERT BORDEN: You have to get your guns over here.

Sir JOHN STEEVENS: I understand they would return to France to their unit, and then their unit would embark from France.

Mr. MASSEY: I do not think that is at all necessary. I think there is a serious waste of time and money in connection with that. Cannot you embark them at London, Liverpool, or Plymouth?

Sir REGINALD BRADE: What about this equipment? It is New Zealand property.

Mr. MASSEY: The equipment could go in the ordinary cargo steamers later on. We do not propose to leave it here.

Sir JOHN STEEVENS: If it goes in cargo steamers it has to be packed, and there will be no labour to load those vessels. Units coming to England bring their equipment with them, otherwise we should never move it, and it would lie in France and never be taken away.

Mr. MASSEY: I do not think it is worth while raising difficulties about the matter. New Zealand is united on this point, and if the War Office turn it down, very well, the proposition is theirs, but Sir Joseph Ward and myself must enter our firm and emphatic protest against our men being sent back without their having a look at the country of their fathers, for that is what it amounts to. They will never see it again; ninety-nine out of every hundred of them will never come back here, and it will be a memory which they will cherish as long as they live, and, from the Imperial point of view, merely as that, we are sure it is a great force.

Sir JOSEPH WARD: I endorse every word that Mr. Massey has said, but I want to point out a very important factor from the standpoint of New Zealand which I think ought to be considered. The question of distance, as far as New Zealand is concerned, as between transport from England and transport from Marseilles is very slight. It is only a difference of 278 miles from Marseilles *via* Panama out to New Zealand as against sending them out from Plymouth to New Zealand *via* Panama. That 278 miles difference in distance doubled for two sea voyages is all that there is between you and allowing those men to come here from the point of view of distance by sea. My opinion is, as I said at the Conference with the heads of the Army, which Mr. Massey and I attended before, that in all human probability you will not convey those men to England in the event of its being agreed to allow them to come here by sea from Marseilles. I think a great number would be in such a position in France that in all probability they would come down by rail to Calais or Boulogne and cross the Channel. There is not very much difficulty, considering the total number of men we have, in letting the men go back across the Channel and join the vessel at Marseilles. As to equipment and as to guns and carriages, once you have settled the ship by which they are to go, you do not wait for the whole of the troops who are being demobilized to get on board the ship simultaneously with their guns and carriages. There is no reason why you should not be able to meet a condition of that kind, and enable these men to come over here for a fortnight. My recollection is that the suggestion from New Zealand was that 1,500 of these men should come over at a time, and you would never have more than that number here during the whole time of the continuance of demobilization. In the case of New Zealand, unlike the other Overseas countries, they are far away from their homes, and there is no doubt that it is the distance from this country which has been impressing upon the parents and relatives and friends of these men in New Zealand—and upon the men themselves—the fact that it is desirable, if possible, for them to come and see the Old Country. I agree strongly that from the point of view of the future, with regard to thousands of these men who have no knowledge of the British Isles, if they were here on furlough and had an opportunity of going about this country, upon their return to New Zealand they



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Sir JOSEPH WARD—*cont.*

would become ambassadors of Empire, and disseminate valuable and useful information to the present generation and the generations following, which would be very valuable in the future. Our people do not get that object-lesson. You can get from here to Canada for 2*l.* a head, but our people who come from New Zealand cannot come and return to their own country again under 200*l.* Once they get back there, as Mr. Massey has correctly said, ninety-nine out of one hundred will never see this country again. It is not merely from the sentimental point of view that we are speaking but also from the practical point of view. These men have come some 12,000 miles to go to the Front, and when the war is over and demobilization commences, I think they are entitled to the generous consideration of the British Government, who, I am sure, are anxious to do all they can, and the War Office too. Personally, I agree with Mr. Massey that the responsibility is upon the War Office, but I enter an earnest and sincere protest against them not having that opportunity of coming to this country.

Mr. CHAMBERLAIN: May I say a word of appeal to the War Office to try to meet the case New Zealand is putting forward? In one sense I am rather out of court, because as Secretary of State for India I have nothing to do with it; but as just a small illustration which supports what Mr. Massey and Sir Joseph Ward have said as to the feeling of New Zealand, I should like to say that I have four New Zealand cousins who all enlisted, but one of the things which they looked forward to—I will not say that induced them to enlist—was that they would thus have a chance of seeing England, which they had never seen, and their relations here. I know many a case of that kind, and I am sure there would be profound disappointment, both among the soldiers and among their English friends, if they had no chance of seeing the Old Country. It is, after all, almost once in a lifetime of a young fellow who has all his way to make and has nothing but his own exertions to live on. It is only under such circumstances as these he can have an opportunity of coming from New Zealand here. New Zealand has always been, I think, particularly closely attached to this country in sentiment and feeling, and I am sure their feelings are expressed by the Prime Minister and Sir Joseph Ward when they say how greatly they would value the opportunity for their youths to renew the associations of their fathers with the Motherland. I know there are great difficulties, but I urge the War Office to take it into very serious consideration.

Mr. HAZEN: How many of your troops have not been to England on their way to France or the various theatres of war?

Mr. MASSEY: Most of them—not all. A great many of our troops went to Egypt, and from there they were taken direct to France, and I am willing to admit that the most of those have had an opportunity of visiting England since then. But here is what happens: If you take our troops who were landed a month ago, they go into camp at Fling and are kept there, and do not have an opportunity of seeing anything of England, Ireland, and Scotland. They do not have an opportunity the first time they are in this country until they go to France and get their turn of leave.

Mr. HAZEN: Is there anything very exceptional in their case as compared with the troops from other Overseas Dominions, such as Canada and Australia?

Sir ROBERT BORDEN: No, but, if they want it, I think an effort should be made to fall in with the request, if possible. Could not their headquarters be maintained in France, while those who desire to visit Great Britain or Ireland come over here from time to time?

Mr. MASSEY: That is a matter for the War Office to arrange; I am not going to interfere with the details, whatever may be done. Sir Joseph Ward and I visited the Front some months ago just after we first came here, and the strongest appeal which was made to us on any subject—the most unanimous and enthusiastic appeal—was that our soldiers should have the opportunity of making a visit to this country. That appeal was made individually, and, at one place, collectively, by a

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very large number, to us to endeavour to make arrangements with the British Government so as to enable them to see Britain before they went home.

Sir JOSEPH WARD: That is so; in other words they have not seen this country except under control, such as when a man is in hospital and gets out for a day or two. They have not seen the country properly at all.

Sir ROBERT BORDEN: If they were brought over here they would be brought over simply for the purpose of giving them furlough. I would suggest that, instead of doing that, you might give them furlough in France, so that they would have an opportunity of visiting this country, and then you could eventually dispatch them from France, thus avoiding the necessity of providing hutments here, which seems a very difficult matter.

Mr. MASSEY: They would not stay in camp; they would spread about. They all have relatives or places they want to go to. I do not think for a moment they would want to go to camp. They would be spread all over the United Kingdom.

Sir JOSEPH WARD: I think, Mr. Massey, all the same from the point of view of what is required by New Zealanders, our countrymen here are contemplating having provision made for camping 6,000 of them, if necessary.

CHAIRMAN: Would Sir John Steevens tell us whether it would be possible to arrange for the packing of guns and heavy equipment on the spot and then arrange for its shipment? Must it actually be put together for transit and put on board? Could not it be packed and stacked at the port side and then put on board ship when the troops come back from their leave? The whole of the men of a unit would not want to come home I think, and the arrangement might be to leave guards, as we are doing with British regiments where the men are coming home individually, that is to say, leave a certain number of men to the last to look after the equipment. Those of the New Zealanders who had seen England might remain as guards to look after the equipment. That is to say, if the unit or battalion is 1,000 strong, 800 could come away and leave 100 or 200, who had been to England, to guard the equipment. That would be the way to do it.

Sir REGINALD BRADE: The real point would be whether you would agree to the embarkation for New Zealand taking place at a French or Belgian port?

Mr. MASSEY: Personally, I do not object so long as the main point is conceded, so long as these men have an opportunity of seeing Britain before they go home. That is the important point.

Sir REGINALD BRADE: The War Office is perfectly agreeable as to that and, as a matter of fact, will make every arrangement to secure it, if you think it can be done in such a way that the headquarters equipment could be left in France, and packed up there, and the units finally embarked to New Zealand at a French or Belgian port.

Mr. MASSEY: I have no objection to that.

Sir JOSEPH WARD: I do not know in connection with this whether the War Office will be able to arrange it, but I hope none of our men will be sent out *via* the Cape, because it is a much longer route and a rougher one. I think a special effort should be made to avoid that route. If they are sent out *via* the Cape it means sending them a 12,852 miles journey, and if you send them through Panama you save about 1,800 miles.

Mr. MASSEY: It is a very long trip.

Sir JOSEPH WARD: The distance is 10,795 miles to New Zealand from Marseilles; from Plymouth to New Zealand *via* Panama the distance is 11,063 miles; *via* the Cape from Plymouth it is 12,852 miles, and *via* Suez to New Zealand by way of Albany it is about 12,400 miles. After the work of demobilization has been carried out, to give our soldiers 1,800 additional miles of sea journey on steamers, averaging eleven knots an hour, would make a tremendous difference, and I think it should be avoided if possible.

Sir REGINALD BRADE: That point of view will be put before the Transport Department.



Sir JOSEPH WARD: As to the details of carrying it out we do not suggest any interference whatever with the British War Authorities. That must be left to them, and I have every confidence in their doing all in their power for all the brave soldiers, wherever they hail from.

Sir REGINALD BRADE: We undertake to meet the New Zealand position that every man should have an opportunity of visiting this country, but all we ask is that the equipment and the headquarters and the staff should start their ocean trip from a French or Belgian port.

Mr. MASSEY: Very well then, that is very satisfactory.

Sir REGINALD BRADE: May I ask whether any other Dominion raises a similar point? The New Zealand problem is a comparatively small one, running to 50,000 or 60,000 men, but there are 400,000 or 500,000 in all.

CHAIRMAN: I understand the other Dominions do not raise the question.

Sir ROBERT BORDEN: Possibly, as this question is raised by New Zealand, we shall have the same question raised by Australia.

CHAIRMAN: We possibly shall. I will telegraph this decision to Australia.

Sir REGINALD BRADE: It becomes a serious problem for us to arrange for 200,000 men in connection with Australia.

CHAIRMAN: I think we will have to face it. I think it would be impossible to say "No" to men who have served us as they have served us when they want to see this country.

Sir REGINALD BRADE: The problem will be much simpler now that we have this understanding with New Zealand that the headquarters will remain in France.

CHAIRMAN: Is there any other representative from Canada and New Zealand, or General Smuts representing South Africa, who wishes to raise any question on this point? India makes its own arrangements.

Mr. CHAMBERLAIN: Yes.

Sir GEORGE PERLEY: I am afraid you will find that many of the Canadians will ask for the same privilege if it is granted to the others, even although we are very much closer to this country, and particularly those whose near relatives live here; they will want to come back to see them before they return. Many individuals will be asking for that privilege.

Mr. ROGERS: There should be the same option given to them at some time or another.

Sir REGINALD BRADE: That complicates the problem, and makes it a very serious matter for us. It means certainly a delay in the return of men across the Channel to their homes in this country.

CHAIRMAN: No doubt it is a material delay, but it seems to me it would be an impossible thing to insist upon that when the time came, if there was a very general demand on the part of the men who had served their country to visit this country first of all. I am afraid if we had made up our minds to say "No" we should not be able to enforce the "No" when the time came. I think you would find public opinion would be so strong, and the indignation of the men so great, saying: "Here we are, within a stone's throw of our own home, and we are not allowed to go and visit it." There would be certainly delay in moving them from the theatres of war consequent upon the movement of a large body of troops, but they would say: "Here we are, kept here, and not even allowed to go to Scotland, or England, or wherever it may be."

Sir REGINALD BRADE: Equally you would have the complaint on the other side, on the part of our people who wanted to go to their homes here.

CHAIRMAN: English people?

Sir REGINALD BRADE: Yes.

CHAIRMAN: They are going to their homes, and that is only a question of time.

Sir REGINALD BRADE: Only a certain number of them can go in a day. It all means delay.

Sir ROBERT BORDEN: Sir Reginald, the question as to whether there are difficulties or not seems to me to depend very much on another question, and that is how rapidly you can transport these troops. It is going to take six months or a year to do it, and there will be abundant opportunity of preserving the headquarters in France. Our men and the Australian units will want to visit this country I am quite sure, but there is a certain proportion of our men who will want to get home as quickly as they can. Sir George Perley has mentioned that some of them have near relatives in the United Kingdom, whom, very naturally, they would wish to visit, but if the process of transportation is to occupy a considerable time I cannot see that any very great difficulty is likely to arise. Have the War Office and the Admiralty made any estimate of how rapidly it will be possible to transport the troops to the Overseas Dominions?

Sir REGINALD BRADE: I think not. It is a shipping problem, but I do not think the data exist at the moment for the calculation. We are in communication with the Admiralty on the subject.

Sir GEORGE PERLEY: I have not gone into it very carefully, but we propose to do so later on. It has been estimated that it would take twelve months under the best conditions to get them all back to Canada, and really, if that is so, it would be very easy for you to allow even quite the large proportion of them to come over here and visit if they wish to do so within that time.

Sir REGINALD BRADE: It is all a question of port and railway facilities and barrack or hut accommodation.

Sir ROBERT BORDEN: And ships.

Sir REGINALD BRADE: Yes.

Mr. ROGERS: A lot of our men have their wives and families here.

CHAIRMAN: Does it not really look as if, assuming there was a large army in France, we need not consider any other country? France is the main question. Assuming there is a large army there at the conclusion of hostilities, it must be a very considerable time before you can get those troops back here, whether you have any other consideration, such as some troops going from some ports and some from others, because the amount of shipping available cannot be anything like equal to the demand. It will surely take some considerable time. Would it not be possible to arrange that the Overseas troops should come here for their visit first of all? After all, if they came in detachments we could dispose of that difficulty.

Mr. ROGERS: Supposing you reversed that?

Sir REGINALD BRADE: Supposing it runs to 250,000 roughly in France, we calculate we can bring over 20,000 men a day. Of course we have no experience to go upon, but it is reasonably likely that we can do 20,000 a day. If you have got 250,000 members of the Dominions contingents—

Sir JOSEPH WARD: That will take about thirteen days.

Sir REGINALD BRADE: Yes. We have to get back 1,000,000 men from France, irrespective of the Dominion troops.

Sir GEORGE PERLEY: The 250,000 men would not have to come in thirteen consecutive days after the end of the war.

Sir REGINALD BRADE: No.

Sir GEORGE PERLEY: They would be spread over the whole year.

Sir ROBERT BORDEN: I thought you did not intend to bring them here at all, but to send them direct from France.

Sir REGINALD BRADE: The Dominion contingents?

Sir ROBERT BORDEN: Yes.

Sir REGINALD BRADE: I thought you were asking that they should come here.

Sir ROBERT BORDEN: I was not asking that.

Mr. MASSEY: Those who want to come.

Sir ROBERT BORDEN: I do not think that will be any considerable proportion of our men; I think they will desire to get home as quickly as possible.



General SMUTS: A large number of men will want to get back to Canada or South Africa as quickly as possible and they will be kept lying in France until the accommodation was provided for their visit to England. There is another side of the question to be dealt with, that I think there would be great dissatisfaction in the case of those men who have no friends in England and who were anxious to return to their own country.

Mr. MASSEY: Why not let them go?

General SMUTS: At the same time I feel that if these Colonials are kept lying in France for any length of time, and no reasonable opportunity is given to them to visit their friends in England, there will be very grave dissatisfaction, and it seems to me, sir, that it ought to be a question not for hard and fast settlement here but for reasonable arrangement, so that as far as possible, and as far as your transport arrangements will admit, you should give these Colonials a chance of coming to see their friends here on leave from time to time. But it is all subject to larger considerations of transport service, and so on.

Sir REGINALD BRADE: I take it the feeling would be that the arrangement we made just now with New Zealand should be open to them.

CHAIRMAN: To be available for all.

Sir GEORGE PERLEY: To give the men the option, and after the end of the war find out how many would like to return home or come to England. Then those who do not like to come here, but who would like to go back to Canada, could go straight away. It would not necessitate those who wanted to get back home waiting here.

CHAIRMAN: Do you propose to offer any of the Dominion troops their discharge here if they choose so to take it?

Sir JOSEPH WARD: I do not think that can be done.

General SMUTS: They would have to go back as units.

Sir REGINALD BRADE: That is the most economical way because they have to go back with their equipment.

General SMUTS: If they do not take their equipment it will be lost in France and never seen again. I am afraid they would have to return as units. The men who stay in France waiting for accommodation will some of them want to get back home. I think it is a question for the War Office to arrange, reasonably giving leave to as many men as possible to visit their friends in England, but for the rest I think the decision given here by the majority of the Colonial representatives should stand, namely, that the men should go back with their units as soon as possible.

Sir ROBERT BORDEN: It will develop very largely into a question of administration. As far as the equipment is concerned, what is the equipment of an infantry regiment outside their rifles?

Sir JOHN STEEVENS: Their transport and machine guns.

General SMUTS: We are most anxious not to leave those.

Sir ROBERT BORDEN: Certainly not; but there is another question which seems to me worthy of consideration. Assuming it will take six months to transport all these men back to Canada, there is the question as to what they should be doing in the meantime while they remain here. If you have 200,000 or 250,000 men, or even 50,000 men, in France with their equipment for a considerable period, say six months or possibly more, they would be rather tired of drilling and going through military exercises. In what way shall they occupy themselves, because if people have nothing to do they are apt to get into mischief?

General SMUTS: That is a big problem. The considerations set out here as regards discipline are very important. If these men are let loose I think there would be some difficulty. I think the action we ought to take is that while these units are shipped as units on the steamers from the various theatres, reasonable opportunities, so far as your transport arrangements allow, should be given to a proportion anyhow of these men to visit their friends in England. Do you not think so, Mr. Massey?

Mr. MASSEY: I think so. As far as we are concerned the War Office have met us in a reasonable manner, and we are quite satisfied to leave it to them.

General SMUTS: You do not want differentiation with regard to New Zealand, because the Australians might object to that.

Mr. MASSEY: I know; but unfortunately Australia is not here to speak for itself. We are in quite a different position to Canada. I do not suggest that Canada ought to be placed in a worse position than New Zealand—far from it—but Canadians can get backwards and forwards without much trouble comparatively. You cannot get backwards and forwards to New Zealand. If a man goes out there he is generally there for life. This is their chance, and if they lose it now they will go back with a bad and bitter feeling. If they get the opportunity now it will be advantageous to them, and I am quite sure it will be advantageous from the Imperial point of view so far as New Zealand is concerned.

Sir JOSEPH WARD: Our position is that our men generally have urged upon both Mr. Massey and myself that it should be done.

General SMUTS: A certain proportion. The consideration set out by the Army Council weighs with me, because I am not sure it is the case with the majority of our men. The Memorandum says: "The Council are of opinion, moreover, that many men of the Dominion contingents will prefer to be sent direct home when they realise that physical limitations render it inevitable that a visit to this country will mean a delay, amounting in some cases to months, before they are demobilized." Once they find that is the state of affairs, and that they are going to be very hard hit by it, I think there must be a reconsideration of the arrangements, and the only consideration we can pass is that those units should be sent from the various theatres as units and that reasonable opportunities be given to men to get leave to visit their friends in England.

Mr. HAZEN: I do not see why it should involve a delay of months. It would be a matter of months before they could leave anyhow. Supposing the war ends with 300,000 Canadians left, if you ship them at the rate of 1,000 a day it would take a year. It is a tremendous undertaking, and a great many of those men will be waiting there for months and months for a ship with nothing to do. There would be time to allow those men who desire to come over for a few weeks to visit their friends.

General SMUTS: Yes, I think that should be done.

Sir JOSEPH WARD: And their friends, at the end of the War, will be most anxious to see them.

Mr. CHAMBERLAIN: Except that they would have their own difficulties with their railways. The difficulty of moving the troops to the French coast will be tremendous. I think what General Smuts has said is correct, that we cannot carry it much further to-day than we have in this discussion. The War Office will try to give leave, without bringing the unit home, but leaving that in France, as freely as they can to visit England.

Mr. HAZEN: That is leave to individuals.

CHAIRMAN: I think it is desirable to pass a resolution because it helps the War Office if they have something definite on record. I think something on the lines indicated by General Smuts would cover it.

Mr. MASSEY: The difficulty is to move a resolution which applies to all the Dominions.

General SMUTS: I want it to apply generally. I assume that these units will be left for months in France and will have ample opportunities for leave—certainly reasonable opportunities must be given to them.

Sir REGINALD BRADE: I think it might be put if they were required to stay in France for months. This is a shipping problem. If the shipping is available I do not see why they should be delayed for months at all.

Sir EDWARD MORRIS: If it is a question of shipping it might be put in the resolution.



CHAIRMAN: Something of this kind seems to convey what appears to me to be the result of the general discussion: "It was agreed that all the Dominion contingents should start as soon as possible, with their arms and equipment, from a French or Belgium port as may seem most convenient, but that arrangements should be made, if so required by the contingents, to enable them to visit the United Kingdom."

Mr. HAZEN: Individual members.

Sir GEORGE PERLEY: Certain individual men.

Sir ROBERT BORDEN: A considerable number, according to the memorandum, will be in Great Britain; are you not going to send them home?

Sir GEORGE PERLEY: We shall have a very large number of men in this country.

Sir REGINALD BRADE: The problem is really France; the main Dominion contingents are in France.

CHAIRMAN: What are you to do with the Dominion contingents here? Do they start from here?

Sir REGINALD BRADE: There is no point in sending them out to France.

CHAIRMAN: There is point if you are to keep the units together. I thought you laid stress on the units being kept together. If you have part of a unit in France and part here what are you to do?

Sir REGINALD BRADE: We would not have part of a unit in France; the headquarters of the unit, with equipment, would be there. You would not have part of the unit in France and part of the unit in this country.

Sir JOHN STEEVENS: There would be members or individuals.

Sir REGINALD BRADE: But the headquarters of the unit, the centre—

CHAIRMAN: What do you call the unit in this case? A battalion or a brigade?

Sir REGINALD BRADE: It depends on the arm of the service.

Sir JOHN STEEVENS: The unit is a battalion or a battery.

CHAIRMAN: You might have a considerable portion of a battalion here, men who had been sent back sick, and men who were re-inforcements.

Sir REGINALD BRADE: They would go back as reinforcements from here direct.

Mr. CHAMBERLAIN: They would go back like drafts arrive. You get your unit over and you supply it with drafts and you get your unit back, and the odd men or sick men, and so on, could be sent like drafts.

CHAIRMAN: It seems to me there should be no difficulty; if you are sending a large number of troops from here belonging to the same unit, it is only a question of sending a few more from here, that is to say, the men who come home for a month's visit.

Mr. MASSEY: I have a telegram from my Government which I think I ought to read: "Consider that demobilization of the New Zealand Expeditionary Force would be carried out more expeditiously and efficiently if previous to embarkation for New Zealand the whole of the New Zealand troops serving in Europe were concentrated in the United Kingdom, troops in Egypt embarking direct for New Zealand." That covers the point we are discussing. I think that is exactly the point Sir Joseph Ward and I put; that is to say, the men should have an opportunity of looking at the Old Country before going back. So long as that is done, as far as we are concerned we are satisfied to leave the details to the War Office.

CHAIRMAN: The point is raised in a telegram from Canada.\* The Governor-General of Canada says that the contingents should go straight home, but probably some of the men will wish to visit the United Kingdom before returning to Canada.

\* See Appendix to Memorandum on Demobilization, p. 252.

Sir REGINALD BRADE: With the introduction of the words "in France" it would read: "It was agreed that all Dominion contingents in France should start as soon as possible with arms and equipment from a French or Belgian port, but every endeavour should be made to arrange to give individual soldiers desiring to visit this country a furlough for that purpose before the unit returns to the Dominion."

CHAIRMAN: Will that meet you?

Mr. MASSEY: Not quite.

CHAIRMAN: It is not quite strong enough?

Mr. MASSEY: Not for New Zealand.

Sir GEORGE PERLEY: With regard to what General Smuts was saying about a unit, supposing the battalion is only of half strength it could go back with its whole equipment, and the position would be, as I take it, exactly the same if half a battalion is over here on leave as it would be if half of them were ill. They would not go with their units; the half unit would go back with the whole equipment. Would not that be possible?

CHAIRMAN: That is what I suggested just now.

Sir REGINALD BRADE: General Steevens can explain the point about personal equipment and the regimental or unit equipment.

Sir JOHN STEEVENS: The personal equipment goes with the man wherever he goes. The unit might be only 100 out of a strength of 1,000, but the unit would go with its regimental equipment even if it were 100 strong only; that is the headquarters of the unit.

Sir GEORGE PERLEY: Take a Canadian battalion; supposing half of it wanted to come here on a visit and just at that time the orders were that that unit should go to Canada, the one half would go with their regimental equipment and the remaining half, the 500 here, would go back in the same way as the men who were sick in this country.

Sir JOHN STEEVENS: In drafts.

Sir JOSEPH WARD: In other words, the equipment of the unit remains under the control of headquarters, and its disposition is not interfered with in any way by the absence of the original members in any other part of the country.

Sir JOHN STEEVENS: Provided they keep sufficient men with the headquarters to handle the stuff.

Sir ROBERT BORDEN: How would this fit in with the proposals of the War Office: "Subject to every opportunity being given to such soldiers as desired it to visit the British Isles before returning to their homes."

Mr. MASSEY: That leaves a loophole, and my past experience induces me to believe that if any loophole was left it would be taken advantage of.

CHAIRMAN: I gathered that the feeling of the Conference was unanimous that an opportunity should be given, and I think it is important, if that is our view, that it should be expressed.

Sir JOSEPH WARD: Is there any objection to saying that, in addition to the proposal that the New Zealanders should have the right to come to England before returning to their country, it should apply generally?

Sir EDWARD MORRIS: Or pass a general resolution without specific reference—that everyone shall have the opportunity.

Sir ROBERT BORDEN: It would be difficult to pass a resolution making a special arrangement for one Dominion.

General SMUTS: I am trying to avoid that, because Australia is not represented here, and cannot urge their own case, so we cannot pass a resolution with special reference to New Zealand.

Sir JOSEPH WARD: I do not think we ought to leave Australia out in any case. Their case is similar to New Zealand's.



CHAIRMAN: How about this resolution: "It was agreed that all Dominion contingents in France should start as soon as possible, with their arms and equipment, from a French or Belgian port, but arrangements will be made to give to individual soldiers desiring to visit this country furlough for that purpose before the unit returns to the Dominion."

Mr. MASSEY: I think that is all right.

Sir GEORGE PERLEY: Is it necessary to add "before the unit returns," because the first unit that was ordered to go would go without the men who happened to be on furlough?

Sir ROBERT BORDEN: That would hold up the unit.

CHAIRMAN: Take that out, then: "Visit this country on furlough for that purpose."

Sir JOSEPH WARD: That is perfectly right.

CHAIRMAN: Would you like it read again? "It was agreed that all Dominion contingents in France should start as soon as possible, with their arms and equipment, from a French or Belgian port, but arrangements will be made to give to individual soldiers desiring to visit this country furlough for that purpose."

Mr. MASSEY: Is that term "individual soldiers" sufficiently explicit?

Sir JOSEPH WARD: I think so.

CHAIRMAN: You do not want to give it to men who do not want to go?

Mr. MASSEY: Not at all.

Sir REGINALD BRADE: There is just one further point in that connection: Would it be possible for the Dominion authorities to say anything at this moment as to what they want to do with the animals, the horses and mules, and so on, that they have got, and if they are left here—

Mr. MASSEY: If they are our property they had better be sold.

Sir REGINALD BRADE: You do not want to take them back?

Sir JOSEPH WARD: How would it do to transport them to India with our compliments.

Mr. MASSEY: That is a matter which would have to be dealt with by the New Zealand Government. I could not take the responsibility of saying that. I am quite clear about one point, that we do not want them back.

Sir JOSEPH WARD: They want horses in India; we do not want them back and the French will not buy them.

Mr. MASSEY: I would not attempt to dispose of them on my own responsibility.

CHAIRMAN: You might leave that to be settled in the War Office.

Mr. MASSEY: Yes.

CHAIRMAN: Is it your pleasure that that resolution be adopted?

Mr. CHAMBERLAIN: It will be understood that this does not apply to India. Our desire will be to get our troops back to India as fast as we can.

CHAIRMAN: You will make your own arrangements. This does not touch you at all.

Mr. CHAMBERLAIN: No.

Sir REGINALD BRADE: There is one technical point. Is it necessary to say that: "It was agreed that all the Dominion contingents in France should start as soon as possible with their arms and equipment?" The arms mean the rifle which goes with the man; that need not be put in.

CHAIRMAN: "With their equipment."

Sir REGINALD BRADE: Yes, "with their equipment."

CHAIRMAN: We can strike the "arms" out. Is it your pleasure that that resolution be adopted?

Mr. HAZEN: Will you read it again?

Sir ROBERT BORDEN: "It was agreed that all Dominion contingents in France should start as soon as possible, with their equipment, from a French or Belgian port, but arrangements will be made to give to individual soldiers desiring to visit this country furlough for that purpose."

Mr. HAZEN: I have drafted a resolution on the same lines: "That at the close of the war the different contingents in France should be sent straight home as soon as possible from a French or Belgian port, but this shall be subject to the provision that all members of a contingent who shall so desire shall be granted reasonable furlough for the purpose of visiting the British Isles."

CHAIRMAN: That is the same thing.

Mr. HAZEN: It is practically the same idea.

Sir ROBERT BORDEN: We do not know that they will be in France at the end of the war.

CHAIRMAN: No.

Sir JOSEPH WARD: If you say they must hasten to their country as fast as possible, subject to them coming to England, a military man might say: "It will suit our purpose to get them right away." It is a double-barrelled proposition.

Mr. MASSEY: All we can do is to express a general opinion on the point. The position at the end of the war will be quite different from what it is to-day.

CHAIRMAN: I think that, subject to the fact that war is war and you cannot make all your arrangements definitely beforehand, this conveys the desire of the Conference. Is it your pleasure that it be adopted?

[AGREED.]

#### Uniformity of Military Supply Services.

##### 1. Remount Service.

##### 2. Veterinary Service.

CHAIRMAN: The next paper refers to the Quartermaster-General's Department, and the first two items are the Remount Service and Veterinary Services.\* In regard to those, General Sir William Birkbeck is here, who is the head of this department at the War Office.

Sir ROBERT BORDEN: Is this purely for our information or does it contain suggestions?

CHAIRMAN: Is there any question any representative wants to ask, as to the horses, for instance?

Mr. MASSEY: I would like to ask one question which is of importance to the people of New Zealand, and, of course, to the army. I think people who have New Zealand experience (and I will not leave out Australia, because I think the same thing applies there) know that New Zealand is particularly suitable for the breeding of a good type of horse. During this war we have sent about 12,000 horses to Egypt; they were good horses, and there is no question that we can breed a very large number of horses in New Zealand if the New Zealand farmer or pasturer is fairly certain that he is going to get a satisfactory market for them. For the last 12 years or so there has not been a demand for the type of horse required for the army. You may say, of course, as far as New Zealand is concerned, that it is too far away, and I am not prepared to dispute that point with regard to the horses coming to Europe. I think Europe is a bit too far away, but so far as India is concerned, or even Egypt, the war has proved that we can send horses from New Zealand to either India or Egypt without any very serious loss. During the war we have sent them out to both India and Egypt and have lost not more than 2 or 3 per cent. If India, or the British Government on behalf of India, would say: "We are prepared to take 5,000 horses a year," or something of that sort, we could produce the horses, and we could do it at a reasonable price; but a man must know that he is not going to be left at

\* See Memorandum on p. 253.



Mr. MASSEY—*cont.*

the mercy of the local market if he is to breed the type of horse which is required for the army, because if he has only to depend on the local market in New Zealand he must breed them at a loss, and farmers being business men will not do that sort of thing very long. Prior to the outbreak of war the New Zealand Parliament agreed to legislation by which the encouragement of the breeding of horses suitable for the army was provided for.\* The New Zealand Government went the length of making arrangements for subsidising suitable sires to be mated with suitable mares to provide army remounts and horses suitable for artillery horses. That is the law of the land to-day in New Zealand, subject to its being brought into operation, but the war came along very suddenly just after the passing of the legislation. I may say that it was in my charge, and I know all the details of it. Nothing has been done yet; it has to be brought into operation by an Order in Council, and if the Imperial people would tell us that there will be a demand for these horses I promise that the legislation I have described will be brought into operation in New Zealand next season.

Sir WILLIAM BIRKBECK: I do not think you can hope for a market in England for them.

Sir ROBERT BORDEN: It is explicitly stated so here.

Mr. MASSEY: I say India or Egypt.

Sir WILLIAM BIRKBECK: India only requires a certain number of horses every year. They breed all they can themselves, and those they cannot breed they rely on Australia and New Zealand for. It is entirely a question for the Indian Government where they get them from.

Mr. MASSEY: The whole point is that there will be no breeding of these horses unless there is a demand for them.

Mr. CHAMBERLAIN: Will you allow Sir James Meston to say a word on this point?

Sir JAMES MESTON: I do not profess to be an expert on remounts, but I have seen a great deal of work in the purchasing of remounts for India. Speaking generally, the practice is that Australia sends a very large number of horses every year to Calcutta. The remount officers examine them immediately on arrival and select those suitable for their purposes. There is no obligation on them to buy the horses on landing, and a certain number of the horses are not purchased by the Government, but left on the chance of disposal in the open market. The Australian dealers are now so familiar with the army requirements in India that I think I am right in saying probably 90 per cent. of the horses they bring over are purchased *ipso facto*. I have no doubt whatever, speaking as a civilian, but familiar with the practice, that New Zealand imports would be equally welcomed, and that the New Zealand dealer, once the business passes into the hands of expert dealers, would become equally familiar with the Indian conditions and requirements.

Mr. MASSEY: It is almost too much to ask, but if Sir James Meston could tell us how many horses India absorbs in the course of the year it would give us an idea of what opening there was for New Zealand.

Sir JAMES MESTON: I can tell you in a couple of days.

Mr. CHAMBERLAIN: We will get you full information.

Mr. MASSEY: It is rather important, because we have some direct trade with India now. Some of the New Zealand Shipping Company's boats are sent direct to India two or three times a year for corn sacks and wool bales, and that sort of thing, and the trade is there.

Mr. CHAMBERLAIN: We will supply Mr. Massey with a memorandum as to our requirements, with the times and dates and the sort of prices they fetch for the quality of horses.

Mr. MASSEY: Thank you.

\* See New Zealand Act, No. 28 of 1914

CHAIRMAN: Does anybody else wish to raise any question with Sir William Birkbeck?

Sir ROBERT BORDEN: As to the purchase of horses there has been a feeling in Canada, which I have taken up more than once, and Sir George Perley also has taken up, with the War Office, that the resources of Canada during the war were not as fully availed of as might have been possible. Horses were bought in the United States when we had an equally good type. There was also the feeling that owing to the arrangements between the French and the British Governments animals which were suitable for the requirements of the French Army but were not suitable for the requirements of the British Army could not be purchased by the French Government from Canada. I think that was afterwards corrected—in fact I know it was—during the summer or autumn of 1915. I should like to point out that this incident has had a rather discouraging effect upon the people of the country who had the horses available for sale and who were, not unnaturally, disappointed that they did not receive what they regarded as a valuable opportunity of selling them. There is one observation also I should like to make with regard to what is to be found on the second page of the War Office Memorandum.

CHAIRMAN: Are you coming now to the "Equipment"?

Mr. ROGERS: Before you leave the horses there is a paragraph I should like to call attention to: "It is very desirable that Canada should produce more horses suitable for military purposes." That is adding insult to injury. We are not prepared to admit that at all. We have had plenty of horses and they have not been taken advantage of, with the result that we had to sell very largely to the French Government.

Mr. HAZEN: Our feeling is that we have a great many horses admirably suitable for military purposes, and agents who were sent by the British Government, but, for reasons we could not understand, did not buy those horses from us, but preferred to go to the United States and buy horses there instead of having them from the Empire. In view of that, it seems remarkable the statement is made that Canada does not produce more horses suitable for military purposes. There was a very strong feeling in Canada at the time, and Mr. Rogers has very properly stated it.

Sir ROBERT BORDEN: There were most indignant protests from many parts of the country during 1915, and part of 1916, on this very account. Really there was a very great deal of difficulty in making any satisfactory explanation or giving any adequate answer to some of these complaints.

Sir WILLIAM BIRKBECK: There is no question on which there are so many opinions as the actual quality of horses. Our agents' desire is the same as ours, that they should buy as much as possible in Canada, and they have done their best, and they did buy in Canada, but it is not easy to buy large numbers of horses in Canada because there is a difficulty of collection. From what I have personally seen of the horses landed from America and the horses that are landed from Canada, there is no question in my own mind as to which are the more suitable. They come over in thousands from America as if they turned them out in one mould.

Mr. ROGERS: We were sending our horses over to the United States in large quantities, and you were buying them there rather than in Canada.

Mr. HAZEN: That undoubtedly occurred in places. It was said that horses in Canada were not suitable for military purposes, and then they were sold by the owners to the United States, and the military bought those horses in the United States and shipped them over here.

Sir WILLIAM BIRKBECK: Those things are so easy to say. It is very difficult to follow a horse. You say they were bought by the British purchaser. There are hundreds of other military purchasers in America who were all buying at the same time.

Mr. HAZEN: In thousands?

Mr. ROGERS: It is very easy to follow them in their stockyards, and so on.

Sir WILLIAM BIRKBECK: As an example the first two Canadian units I saw were Strathcona's Horse and the Canadian Dragoons. The Canadian Dragoons seemed



Sir WILLIAM BIRKBECK—*cont.*

to me to be mounted very much better than Strathcona's Horse. I enquired and I was told by Colonel Neill, who is your own Director of Veterinary Services and Remounts, that those horses had come from St. Louis in America, and that he could not buy the horses in Canada.

Mr. ROGERS: It is strange that the French Government come and buy in large quantities after the British buyers have been and not bought.

Sir WILLIAM BIRKBECK: If you had seen the difference in the quality of the horses bought for the French Army and the quality of the horses bought for the British Army, you would know they are really very very different.

Mr. MASSEY: I am interested in horses naturally and I am also one of those people who, rightly or wrongly, believe that if possible British requirements should be bought in British countries. When we were coming to England from New Zealand we called at Newport News, Sir Joseph Ward and I, and we were shown there a very large establishment belonging to the British Government, or provided on behalf of the British Government, where horses were kept until they were forwarded to England or to the Front as the case may be. We were told on the very best authority by the men who had purchased the horses that they had purchased there, that is to say in the States, 200,000 horses and mules for the British Army. I give you that for what it is worth. I believed the statement when I heard it and I believe it now. We saw some of the horses. The horses were being shipped on the days we were there, and I am bound to say were very good looking horses. I am no judge of mules, but the mules were of good size and, as far as I am able to say, particularly good specimens. There is one point worth mentioning now that we have got the head of the Department here. I expressed admiration for the appearance of the horses, and the men who were there, a little party of people interested, said: "They look very fine, but they are not quite as good as they look. Most of these horses have the Percheron sire. I know the Percheron sire and the progeny is soft and will not stand the work so well as horses which do not look half so good." I give that in passing for what it is worth. The point I make is that if the British Government would encourage the breeding of horses in Oversea countries I believe we could supply the Indian Army and Government with all the horses they require without any difficulty.

Sir ROBERT BORDEN: As has been said, there is difficulty in collecting horses in Canada, but that is a difficulty inseparable from the great extent of the country. It may be pointed out that we had difficulty also in collecting our troops, as we had to bring some of them 4,000 miles and some even 5,000 miles before they touched the sea board.

Sir WILLIAM BIRKBECK: I was discussing this with your Colonel MacRae the other day, and he suggested revising the machinery by which the Canadian Government collected their horses in the west, and that it should handle the horses for us. In Canada there is great difficulty in moving stock during the winter.

Mr. HAZEN: You have had shipments in the winter season without trouble, lots of shipments from St. John, and there has been no difficulty in handling them.

Sir ROBERT BORDEN: I had quite a controversy on one occasion when it was proposed to ship horses from Portland instead of from Canada. So far as climate is concerned, I do not think Portland is in the least superior to St. John or even to Halifax, although to Halifax the distance is greater. That proposal was disallowed on our very strong protest, and the horses were shipped from St. John. Really the difference between the climate of St. John and Portland is not substantial so far as I am aware.

Sir WILLIAM BIRKBECK: There is the very large difference in the railway journey—between twenty hours and sixty hours.

Mr. HAZEN: Not between St. John and Portland; there cannot be forty hours' difference or anything like it between Montreal and Portland and Montreal and St. John. There is no trouble in the railway journey from Montreal to St. John; the horses arrive in splendid condition for shipment. There is

Mr. HAZEN—*cont.*

unfortunately, I think, a prejudice as between things done in the United States and in Canada; we have had to run up against that several times during the war, and it is the purpose of the Canadian Government to try and remedy it. Our people look at it as not right. We supply the men, the money and so on, and think that in matters of this sort we ought to have a preference as against the United States.

Sir WILLIAM BIRKBECK: The late Sir Frederick Benson, who went out in charge of the Remount Commission and made all our arrangements, was a Canadian.

Mr. HAZEN: Yes by birth. But he lived his life over here from boyhood.

Sir JOSEPH WARD: Is it a matter of defined policy in the War Department when it is going for its requirements, horses, or anything else, to give a preference to portions of the British Empire, or is it an undefined system by which they can do what they like?

Sir WILLIAM BIRKBECK: The policy of the Remount Department is to get the best horses landed in this country in the best condition.

Mr. MASSEY: Wherever they may be purchased.

Sir WILLIAM BIRKBECK: That is the first consideration.

Mr. HAZEN: If that is the consideration that has been given to those countries which are portions of the Empire, the word "Empire" does not mean very much.

CHAIRMAN: Do you want to give effect to that by any declaration now?

Mr. HAZEN: Not at the present moment, but perhaps later on in resolutions.

Mr. MASSEY: You might draft it.

Mr. HAZEN: It requires care.

CHAIRMAN: It would be hardly fair to pass a resolution in reference to a particular department when that department is only carrying out that general policy of the Government as a whole.

Mr. HAZEN: I agree that any resolution ought to be general in its terms.

CHAIRMAN: Certainly.

Mr. HAZEN: It should not apply to horses alone, but should be a general resolution. I agree to that fully.

CHAIRMAN: Otherwise it would seem to be condemning a particular department because they only carry out the general policy of the Government as a whole.

Sir JOSEPH WARD: I think it will come under the general discussion of trading within the Empire.

CHAIRMAN: Certainly.

Sir ROBERT BORDEN: In justice to the War Office I ought to say that I had a great many interviews with Mr. Wintour, the Director of Contracts, when I was here in 1915, and he assured me that the policy of his department was to purchase within the Empire whenever goods or articles of the same quality and substantially the same price could be furnished with suitable expedition for the purpose of the war. I went over a great many instances in which the War Office had made purchases on the North American Continent, whether in Canada or the United States, and I thought on the whole the principle which he set forth had been pretty fairly carried out.

Sir GEORGE PERLEY: I think the feeling through the departments here is to give the Empire the first chance. I think at the beginning of the war perhaps that was not the feeling in all the departments; naturally in a way they turned to a big country like the United States for their supplies thinking they would get them more promptly. With regard to this particular question of horses, I saw one who had to do with the discussion here with regard to the shipping of these horses from the Canadian ports, and I must say that I thought the Remount Department took, if I may say so, a little too much of what they called a business view of the situation. They seemed to think if there was the slightest difference in favour of the United States port in distance, therefore they ought to send the horses there. I had to



Sir GEORGE PERLEY—*cont.*

explain to them that on that basis there would not be any Dominion of Canada because we had kept Canada as a British country by the East and West connection, and we had to use our own ports for our own work and for our own business, and therefore I thought it was only right that the British Government should do so even if it was a little longer. It was a little difficult to get them to take that point of view.

Sir WILLIAM BIRKBECK: General Sir F. Benson was very strongly in favour of the American ports for winter shipments.

Sir GEORGE PERLEY: Yes, but I know some of your men here were not of that same opinion as to using the United States ports. When we are fighting as part of the Empire, doing everything we can and have kept Canada as a British country; notwithstanding the contiguity of the United States, by using the East and West routes, it seems to me to be very plain that the British Government with regard to the shipping of horses or anything else ought to follow the same lines.

CHAIRMAN: The truth of the matter is that at the time the War Office was acting under terrific pressure. There was urgent need for these things to be got as quickly as possible. They were also exposed to most violent attacks about their methods and the money they were spending and their work, and I do not think anybody who did not see the work going on at the time could have the smallest idea of the tremendous difficulties under which every department in the War Office, and none more than Sir William Birkbeck's, was working during the first year and a half of the war, and it would seem to me, if I might say so with great respect, that any general principle that the Conference likes to lay down for guidance in the future as to the practice of the United Kingdom in obtaining her supplies, ought to be of a general character for general guidance rather than forming criticisms of a particular Department which only adopted the general policy.

Mr. CHAMBERLAIN: May I suggest that some of these questions would really come up on one of the subjects which is put on the programme for the third and fourth days, namely, the Development of Imperial Resources and Supplies. I am sure the representatives of the Dominions will make allowance for the tremendous difficulties and strain and urgency under which the War Office has had to work in the time of a great war and such emergencies as we went through. There would have been every desire on the part of the British Government to purchase within the Empire where they can, and to develop the resources of the Empire rather than to trust to foreign sources of supply, which at any moment might not be available.

Mr. MASSEY: That is the whole point. It is a special subject, and while it comes up under the other heading, and can be discussed under that heading, I believe it will have to be dealt with separately. We can raise the horses—there is no question about that. I am not speaking only from the New Zealand point of view in saying that we can do our share, but we can raise new horses within the Empire if the War Office tell us they will buy them. We do not want them to buy unsuitable horses.

Mr. CHAMBERLAIN: Your problem is an Indian problem; it is not shipping horses to this country but to India.

Mr. MASSEY: It is the same principle.

Mr. CHAMBERLAIN: We will supply you with a memorandum upon it. We buy all the surplus horses we want from Australia, and New Zealand must take steps to take her share in that trade.

Mr. MASSEY: I am not speaking of what has been done in the past, but we want to lay down a general opinion.

CHAIRMAN: Perhaps we can release Sir William Birkbeck, and pass on to the next.

Sir JOSEPH WARD: None of us in the observations we have made is finding fault with Sir William Birkbeck's department, but it is the policy of trading within the Empire which is of great importance, and we are only ascertaining opinions with a view to that discussion which will come on later.

Mr. HAZEN: Will you let me say a word about the comparative distance between St. John and Portland. It was said to be 40 hours longer from Montreal to St. John than to Portland. Sir William Birkbeck must have been thinking of the longer railway journey, and he must have overlooked the fact that there is the short cut to St. John by the Canadian Pacific. Taking the ordinary passenger trains, they leave St. John in the evening at 6 or 7 o'clock, and arrive at Montreal the next morning at half-past eight. Of course, a freight train takes longer; but going down from Montreal to Portland it takes the best part of a night, so the difference is not very much. It takes about the same time for passengers to go from Montreal to Portland as from Montreal to St. John.

Sir ROBERT BORDEN: It would be three or four hours more.

Mr. HAZEN: I think the gentleman who was speaking must have had in mind the longer route round by the Inter-Colonial Railway.

#### Uniformity of Military Supply Services—*continued.*

#### 3. Department of the Chief Inspector-General of Quartermaster-General's Services.

#### 4. Equipment and Ordnance Stores.

CHAIRMAN: This is a very important question indeed, as it concerns the whole question of equipment. It is a question of similarity of equipment.

Sir JOHN STEEVENS: No. 4 is the one I take.

Sir ROBERT BORDEN: Is 3 in your department?

Sir JOHN STEEVENS: No. But I daresay I can answer for it.

Sir ROBERT BORDEN: It is suggested "that all Colonial troops should draw the Imperial Service ration from the date of their arrival in England." I am not sure that this proposal would be entirely acceptable. We have found, for example, in respect of the Canadian troops, that the fish ration, which was not originally included, has been very useful.

Sir GEORGE PERLEY: It has been most successful.

Sir ROBERT BORDEN: While it may be desirable to have a uniform ration and may even be essential in war, so far as troops at the front are concerned, it seems to me it would be unwise for us to accept the principle of adopting the Imperial Service ration without consultation and discussion, because there is a possibility that it might be improved in several respects. I understand the fish ration which has been served to our troops has proved very acceptable indeed, and it is regarded as important from the standpoint of health as well.

Sir GEORGE PERLEY: I do not think I have anything to add to that except to say that the food we use is very different from yours in many ways. I think, for instance, a ration of pork and beans, which we had at first, is now used by the British Army in France. On the question of the fixing of the rations of the troops from Overseas, if it is to be uniform we ought to have something to say as to what it is to be.

Sir JOHN STEEVENS: I think it is intended that they should be assimilated so that we can take advantage of the best on both sides.

Sir GEORGE PERLEY: If it is to be read in that way I would agree, but it does not quite read like that.

Sir JOHN STEEVENS: That is your desire.

Sir GEORGE PERLEY: Yes.

Sir JOHN STEEVENS: It is not my Department at all, but I will mention it.

CHAIRMAN: The last paragraph under (3) wants changing, or wants some resolution passed dealing with it, because it clearly assumes that the rations of the colonials should be made the same—that they should adopt the Imperial Service ration. I understand that is not the view of the representatives.



Sir ROBERT BORDEN: That is not our view.

Sir JOHN STEEVENS: No, that is not intended.

CHAIRMAN: You want some suggestion that steps be taken to discuss the question. We could not discuss it. Opportunities should be taken to discuss the question with the War Office with a view to economy in rations, or something of that sort.

Sir ROBERT BORDEN: Economy and efficiency of rations.

CHAIRMAN: Would you like to pass something of that kind? Is it necessary?

Sir ROBERT BORDEN: I do not think so.

CHAIRMAN: No. Sir John Steevens will be good enough to carry that to the Quartermaster-General.

Mr. MASSEY: I am not a soldier and have no soldiering experience, and consequently any opinion I express may not be particularly valuable, but I was at Liverpool a fortnight ago to-day, and while there I was taken to the establishment of an army provider, a well-known firm, Eastman's. One of the things they were doing was the grinding of Colonial grown meat, or Overseas meat, into sausages. I never heard of this before, but any practical man would see the advantage of what was being done right away. They were using South American meat and New Zealand mutton. I express no opinion upon it except this, that everyone who knows anything about the meat trade knows perfectly well that for sausages it is not the best meat that is cut up for the purpose, but second-class meat. In this case the whole of the meat was taken (particularly good meat), and it was being handled splendidly. Every possible care was taken with regard to cleanliness. The man in charge told me that the sausages consisted of seventy per cent. meat and thirty per cent. made up of ground rice, bread, and what he called seasoning. I am not particularly keen on sausages, but I felt I could eat those. What he told me was that there was a saving of 30% per ton in what they were doing. In these days of scarcity of meat, and I am sorry to say we had news yesterday that we have lost 100,000 carcasses of New Zealand meat by the sinking of a vessel off the coast, it is necessary to save all we possibly can. They told me they could not produce enough for the soldiers; that the demand was far beyond what they could supply. They were turning out 12 tons of sausages a day, and in this establishment they were erecting machinery, or about to erect it, which would enable them to increase their supply to 25 tons. These were all being used up locally in the camps in this country. I do not know whether it is possible, but it seems to me it would be a splendid thing if we could extend it to the front. You know what takes place in a camp when the fat is cut off and thrown away. There is no waste in this establishment. If we could extend this and could give the soldiers sausages for breakfast occasionally, it would be a good thing for them and a splendid saving. Twelve tons a day at 30% to the ton, that is 360%. I mention this with a view to the possibility of the Army authorities looking into it and seeing if it can be extended.

CHAIRMAN: What is the pleasure of the Conference with reference to the question of equipment? I do not myself know anything about the subject, and still less how long it will take to discuss it. Perhaps you would wish to commence the equipment discussion at our next meeting.

Sir GEORGE PERLEY: I think I should like to have our Quartermaster-General here when we are discussing the equipment. We have not had a chance of discussing it with him and he is conversant with our conditions.

Sir JOSEPH WARD: Is he in London?

Mr. ROGERS: Yes.

CHAIRMAN: It is hardly worth while starting it to-day. We can begin it on Monday.

Mr. CHAMBERLAIN: How far is it a question which the Conference would wish to discuss in conference? I do not know what Mr. Rogers feels about it—whether it would not be better dealt with by experts outside the Conference.

Mr. ROGERS: Much better.

Sir JOHN STEEVENS: It is a very important question and we want to have the opinion of the Conference on the subject. Attached to the Memorandum is a *précis* of the proceedings of the Conference of 1907 on the same subject, and from the information I will give I hope this Conference will modify that and go in for more assimilation of the equipment. Our experience of the last two years has proved the great importance of it.

CHAIRMAN: There is a general principle to be laid down before we come to the details.

Mr. CHAMBERLAIN: I agree. Perhaps we could lay down a general principle and then refer it to the experts to work out.

CHAIRMAN: Yes.

#### Other Business.

CHAIRMAN: Before we separate, I forgot to put the minutes of the first meeting. They were circulated to everybody. I ought to ask whether you wish to raise any questions on them, or are prepared formally to adopt them.

Mr. MASSEY: I suppose we may correct them, because I found it necessary to correct one or two things.

CHAIRMAN: We ask you to make corrections.

Mr. MASSEY: I want to ask a question: If it is intended to bring up this question of military graves I think I ought to tell the Conference that I feel somewhat strongly about this subject, and while I give every possible credit to the War Office and to the military authorities here and others concerned for what is being done in England—I think what is being done here is very good indeed and will meet with the approval of the people Overseas—I want to say something when the time comes about Gallipoli. That is a very difficult subject to deal with, because it is an enemy country, and we should desire to get possession of that part of it.

CHAIRMAN: That will come up when we come to the graves' question.

Mr. MASSEY: I may mention it again, and, if necessary, I would now give notice of a motion on the subject.

CHAIRMAN: The Memorandum submitted to us includes Gallipoli, and you can raise it upon that.

Mr. MASSEY: It is a question as to whether it is necessary that I should give notice now. If not, I will hold it over until then.

CHAIRMAN: You will be quite safe; there will be no difficulty about it because it is covered.

Sir JOSEPH WARD: In reference to the question of the revision of the remarks made by Members of the Conference, I assume the ordinary course will be followed, that you will wait for the revision, if revision is desired by any member, before they are recorded.

CHAIRMAN: Certainly.

Adjourned to Monday at 11 o'clock.



### THIRD DAY.

Monday, 26th March 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11 A.M.

#### PRESENT:

The Right Honourable WALTER H. LONG, M.P., Secretary of State for the Colonies (Chairman of the Conference).

#### Canada.

The Right Honourable Sir R. BORDEN, G.C.M.G., Prime Minister.

The Honourable Sir G. H. PERLEY, K.C.M.G., Minister of Overseas Military Forces.

The Honourable J. D. HAZEN, Minister of Marine and Fisheries and Minister of the Naval Service.

#### New Zealand.

The Right Honourable W. F. MASSEY, Prime Minister.

The Right Honourable Sir JOSEPH WARD, Bart., K.C.M.G., Minister of Finance.

#### South Africa.

Lieutenant-General The Right Honourable J. C. SMUTS, Minister of Defence.

#### Newfoundland.

The Right Honourable Sir E. P. MORRIS, K.C.M.G., Prime Minister.

#### India.

The Right Honourable A. CHAMBERLAIN, M.P., Secretary of State for India.

Sir J. S. MESTON, K.C.S.I., Lieutenant-Governor of the United Provinces.

Colonel His Highness The MAHARAJA OF BIKANER, G.C.S.I., G.C.I.E., A.D.C.

Sir S. P. SINHA, Member Designate of the Executive Council of the Governor of Bengal.

Mr. H. C. M. LAMBERT, C.B., Secretary to the Conference.

Mr. E. J. HARDING, Junior Assistant Secretary to the Conference.

#### THERE WERE ALSO PRESENT:

Sir G. V. FIDDES, G.C.M.G., C.B., Permanent Under Secretary of State for the Colonies.

Mr. A. D. STEEL MAITLAND, M.P., Parliamentary Under Secretary of State for the Colonies.

The Right Honourable Sir F. PONSONBY, K.C.V.O., Keeper of the Privy Purse.

Sir GRAHAM GREENE, K.C.B., Secretary of the Admiralty.

Commodore EVERETT, C.B., Naval Secretary to the First Lord of the Admiralty.

Lieutenant-General Sir C. F. N. MACREADY, K.C.B., K.C.M.G., Adjutant-General to the Forces.

Major-General Sir JOHN STEEVENS, K.C.B., K.C.M.G., Director of Equipment and Ordnance Stores.

Brigadier-General E. H. SEYMOUR, C.B., Deputy Director of Equipment and Ordnance Stores.

Lieutenant-Colonel W. DALLY JONES, Assistant Secretary to the War Cabinet, and

Private Secretaries.

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AGENDA AND NOTICES OF MOTION.

[3rd Day.

#### Agenda and Notices of Motion.

CHAIRMAN: On to-day's agenda Naval Defence appears as the third subject, but it will be impossible to take it. I do not know exactly what form Naval Defence is going to take, but it would be helpful if we knew, because I should like to send notice to the Admiralty before we bring it on. I think this is your notice of motion, Sir Joseph Ward?

Sir JOSEPH WARD: If I may, with your permission, suggest something?

CHAIRMAN: Please.

Sir JOSEPH WARD: I intended to give a notice of motion at once, so as to give an opportunity of considering it:

"That this Conference, while fully recognising the importance of maintaining the unity of the strategic direction of the whole Navy of the Empire, wishes at the same time to place on record the desire of the Oversea Dominions to retain, as far as may be consistent with that object, the administrative control of the forces they provide and of the expenditure which they contribute; that, for the purpose of giving effect to this resolution, the Admiralty be requested to work out the details of the scheme for the consideration of this Conference, with any recommendations they consider necessary for the future effective Naval Defence of the British Empire."

If notice of motion is given on that it affords an opportunity to the members of this Conference to have time to consider what they wish to put on record with reference to this important matter. I think probably the better way would be to give the notice of motion, and, whatever the final issue may be, as I say, it gives an opportunity for everybody to consider and discuss it. If it is the wish of the Conference, I am prepared to move it now.

Sir ROBERT BORDEN: It is better to give notice. It is a most important question.

Mr. CHAMBERLAIN: Would it not be convenient if any of us wish to move resolutions to hand them in to be printed and circulated for the consideration of the members of the Conference, and then we should all be prepared to discuss them when the time came?

CHAIRMAN: No doubt that would be the most convenient course, that is if anybody contemplates giving a notice of motion, to give it in, and we could then at an early date take the notices *serialim*, and decide upon them as to whether they ought to be discussed and when they should be discussed.

Mr. MASSEY: On Saturday I handed in a motion, and I have two or three others. I will take an opportunity of drafting and moving them in the ordinary way.

Sir JOSEPH WARD: The former course was that they were read to the Conference and handed in.

Mr. CHAMBERLAIN: I think they should be handed in, and printed and circulated through the Conference, so as to save time.

General SMUTS: I think it is better to have them handed in to the Conference and then we shall have an opportunity to consider them in advance.

CHAIRMAN: We must have them circulated to the departments concerned beforehand, so that they may know what is going to be discussed.

Sir JOSEPH WARD: I wish to give notice of another motion, Mr. Long:

"That this Conference re-affirms the resolutions passed at the Imperial Conferences of 1907 and 1911, that it is desirable that Great Britain should be connected with Canada, and through Canada with Australia and New Zealand, by the best mail service available, and that for this purpose a fast mail service should be established both between Canada and Great Britain by the route across Ireland, and on the Pacific between Vancouver, Fiji and Sydney, in the former case by steamers capable of performing the voyage at an average speed of not less than 25 knots, and at the latter at an average speed of not less than 18 knots (that is across the Atlantic at 25 knots and



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Sir JOSEPH WARD—*cont.*

across the Pacific at 18 knots), and that as soon as the exigencies of the War permit, the necessary harbour accommodation and railway arrangements shall be provided on the route chosen, and that such financial support as may be required to ensure the fastest possible service shall be jointly contributed in equitable proportions by each of the countries that agree to the establishment of such a service."

CHAIRMAN: These motions had better all be printed and circulated, and then we can, either at the next meeting or the meeting afterwards, discuss how we are going to discuss them, and when. I think we shall have to settle now what we take on Wednesday next, the day that His Majesty has intimated his intention to receive the Conference at luncheon.

Mr. MASSEY: Whatever happens, we must adjourn at 1 o'clock on Wednesday.

CHAIRMAN: Yes. I am afraid the Board of Trade will not be ready with all the memoranda they require for discussing Commercial Policy after the War. The motion on Naval Defence we could take then. If you have a copy of the subjects before you, the other ones put down were "Naturalisation" and "Imperial Policy in the Pacific."

Sir JOSEPH WARD: Is that for discussion to-day?

CHAIRMAN: For subsequent days.

General SMUTS: That is a matter which might be discussed when we have nothing else to go on with—the Pacific Policy.

CHAIRMAN: The relation of Imperial policy in the Pacific to the Empire as a whole.

Mr. MASSEY: I handed in a notice of motion on Saturday, Mr. Long, and perhaps I might read it now, so that it may be subsequently printed in the ordinary way:

"That this Conference is strongly of opinion that when peace terms are being arranged, an earnest endeavour shall be made to place that part of the Gallipoli Peninsula where lie the remains of so many British and Oversea Dominion soldiers under the control of an Imperial organisation upon which Australia, New Zealand, and India should be represented for the purpose of ensuring that the bodies of the heroes who gave their lives for the Empire at the most critical time in all its history shall be cared for in a manner worthy of the deeds they performed and the sacrifices they made."

Sir EDWARD MORRIS: Would you mind adding to that Newfoundland?

Mr. MASSEY: This is a mere form. I will put it in now if you like.

Sir EDWARD MORRIS: Please.

CHAIRMAN: Some of these notices of motion we might discuss on Wednesday instead of the other business.

Sir ROBERT BORDEN: The subject of graves was to come up to-day, was it not?

CHAIRMAN: That is not ready.

Mr. HAZEN: It is not on the paper for to-day.

CHAIRMAN: No, the Departments have not decided yet. We have to-day "Equipment" and then "War Medals," upon which, I am afraid, there is a great deal to be said. I do not know anything about it. Shall we decide what to take on Wednesday or shall we wait until the conclusion of business to-day, and then decide?

Sir ROBERT BORDEN: I think we had better wait until the conclusion of business to-day.

CHAIRMAN: Then we might begin with "Military Equipment." Sir John Steevens is here representing the War Office on that subject, and perhaps he will kindly deal with it.

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Uniformity of Military Supply Services—*continued.*4. *Equipment and Ordnance Stores.*

CHAIRMAN: This subject is dealt with in the memorandum prepared by the Quartermaster-General's Department under the heading "Equipment and Ordnance Stores."

Sir JOHN STEEVENS: May I make a few remarks in amplification of this memorandum?

CHAIRMAN: Yes, that I think would be for the general convenience.

Sir JOHN STEEVENS: For several years past and just prior to the War I held an appointment at the India Office, and my particular duties were the inspection of equipment of units going to India, and I also had to inspect them on their return. I thus had a very unique opportunity of seeing different patterns of stores for that department made in India and made at home, and the variations are really very trifling. For some inscrutable reason, which is perhaps inherent to us all, we all think our own children the best, and in consequence people stick out for their own particular pattern, whereas a universal pattern might be more suitable. I have an example here which I should like to show you in order to point a moral to my story. These are signalling flag poles (*producing two poles*), one is the British and one the Indian pattern. They are of the same length and are used for the same flag, the only difference being a little piece of tape at the end of the flag that ties it to the pole is tied on by a brass screw in the British pattern and in the Indian pattern they have a little metal cleek. So far is this adhered to, that a British regiment going to India with a pole like this pattern, as it will not do for service in India, returns it to store in Bombay where it is held in store, and a re-issue is made of a pole of this other pattern, the British patterns being held in Bombay till a British regiment is coming home to England, when it is re-issued for them to come home with. That is one example. Here is another—the foreign service helmet (*producing two helmets*). These two are precisely the same in appearance, but the brow band in one pattern is fixed in with corks round it, and in the other pattern it is a sort of corrugated fastening—one is the Indian and one the British. Personally I think there is no doubt the Indian pattern is the better. The difference is merely in the putting in of the brow band.

Sir JOSEPH WARD: Is the shape otherwise the same?

Sir JOHN STEEVENS: Otherwise it is the same. In the same way with regard to water-bottles (*producing two bottles*). Here is an Indian pattern water-bottle introduced in 1894, twenty-three years ago, and no change has been made since. Here, on the other hand, is the British water-bottle of the same capacity. This is the result of experience in campaigns. The Indian pattern stopper which we used to have in our home design has a little plug so that a man can drink out of it. We find if that plug is knocked off probably a piece of the wood would remain in and it is rendered useless. The opening is arranged by a screw, and if that screw gets burred it is useless for the purpose of fastening it. We find a simple cork is the better plan. Again, it has been found that if you let it fall and the side slugs get knocked in you cannot get your strap through. Therefore there is none on the improved pattern. With the web equipment, which is universal now in our home pattern, there is a carrier for attaching it to the equipment. By continuing the use of the special pattern for India we have to have a differently shaped carrier, and, consequently, two British regiments going to East Africa, the one from India will have *this* bottle with this attachment, and the one from England *that* bottle with that attachment. Say the British regiment from India has the misfortune to lose a great many of its water-bottles, they cannot have these others because their carriers are not suitable. Those are the disadvantages, which are so palpable, I think, to nearly everyone who has had active experience in the matter, and I merely bring them before you to exemplify this point.

Sir ROBERT BORDEN: Are the rifles precisely the same?

Sir JOHN STEEVENS: At the present moment they are not the same, because the one which takes the Mark VII. ammunition has not been extended to India.

Sir ROBERT BORDEN: It was intended to have them the same.



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Sir JOHN STEEVENS: Yes; it was decided that India would wait for the new pattern which before the War was under trial. You cannot change the whole of the rifles of the army in a short period. There are various examples of different pattern stores one could explain. One in particular is the method of carrying the rifle by the mounted soldier. Everyone has his own ideas on the subject. One school of thought thinks that the bucket for carrying the rifle mounted should be attached to the saddle and the horse; another school of thought says "No. They should be on the man." They may be both right or both wrong, but it does not matter; you do not want to train the British cavalryman in England or in South Africa in a way which conflicts with the training in India. If you train them here with a bucket attached to the saddle and you send them out to India, they are told there "This is no good, we must now retrain the men to carry the rifle in our way." It was decided two or three years ago that the rifle bucket of the British cavalry shall be universal, and that is the practice in India at the present time. These are questions on which everybody has different ideas. What one wants is that, where possible, whether for India or for the overseas Dominions, we ought to have some machinery to decide which is best and then we ought to stick to it. It does not matter so long as we stick to one pattern. Again, on a question like transport wagons I have had over forty years' experience and have seen a good many of our little campaigns, and there is no campaign where a transport vehicle has not to be altered in some way, either the brakes, or harness for use with mule or horse. What one wants to do is to start on bedrock basis by saying "Let us have a universal pattern," and then we have something to start on. The tail board may be the same; the pole may be the same; they will not alter; but when we get different patterns of vehicles and have not spare parts available to repair them there is great difficulty created.

Mr. CHAMBERLAIN: How far do you have to have different kinds of transport according to the country? For instance, in India do not we necessarily have a good deal of transport which is different from what you would equip our army here with?

Sir JOHN STEEVENS: Yes, a great deal.

Mr. CHAMBERLAIN: I am trying to get at the limits of your plea for uniformity. I quite see the importance of it, and I think I can promise on behalf of the Indian Government that we will do our utmost to come into the greatest uniformity possible. But take a frontier campaign, that requires special transport.

Sir JOHN STEEVENS: Yes, you would doubtless require army transport carts.

Mr. CHAMBERLAIN: But take it right through: for instance, the armoured cars which we could use on the frontier would not all be of the pattern you would choose if you were thinking of a European theatre of war. The carts we could use in India or Mesopotamia would not be always the carts you would choose.

Sir JOHN STEEVENS: They were brought to Europe from India, and I am afraid they were not very good.

Mr. CHAMBERLAIN: But if you brought your carts from England to India would they do on the frontier?

Sir JOHN STEEVENS: Probably not; there would be need for another equipment—the pack mule. I have never been to India, and I cannot answer the question directly. No doubt there would have to be changes, but I mean if we start with the bedrock that all poles should be the same there surely could be no difficulty, and that the harness and the attachment of it to vehicles should be as far as possible the same.

Sir JOSEPH WARD: And that the fittings should be of the same size in order to allow them to be changed.

Sir JOHN STEEVENS: Yes.

Mr. MASSEY: May I ask whether the rifles used by the British army on the different fronts at the present moment are the same, or is the difference only between the rifles in use by the Indian army and the other parts of the British army?

Sir JOHN STEEVENS: It is the same rifles but differently sighted for different kinds of ammunition. We sighted our rifles at home to take high velocity

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Sir JOHN STEEVENS—*cont.*

cartridges. That is not yet extended to India. At that time we were looking for a new rifle and started at once to take these high velocity cartridges. The Territorials had not been armed with that, consequently a great many of the troops in Egypt have the old sighted rifles with the previous ammunition.

Mr. MASSEY: And have still?

Sir JOHN STEEVENS: And have them still in use.

Mr. MASSEY: But the intention is to provide the new type of rifle for the whole of the troops.

Sir JOHN STEEVENS: Yes, undoubtedly. Since you have referred to the question about the rifles and machine guns, at the last Conference of 1907 it was decided that as long as they took the same ammunition all would be well. But I want you to go a little further and just consider the maintenance of these machine guns and rifles. One Dominion, say New Zealand, may have been very wise, looked ahead and knew they required an immense number of spare parts to maintain them in the field. The neighbouring Dominion was not quite so wise, and we were not quite so wise at home. Owing, say, to economical reasons, we shut down on the necessary spare parts. Then New Zealand, who produced spare parts in great numbers, could take her Ordnance Depot into the field and could immediately help us. That is the great point. It is not a question merely of the ammunition.

Sir GEORGE PERLEY: Does every part of the Empire have different patterns for various things? I mean New Zealand, Australia, and so on.

Sir JOHN STEEVENS: In Australia they had already introduced the web equipment to our pattern. I do not know of any other special equipment they had.

Brigadier-General SEYMOUR: I think all the Dominions intend to follow us to a certain extent. In the last few years we have had a great many changes which the Dominions have not been able to come up to. Of course, when this War came, an enormous number of things were wanted. I do not think the importance of getting the same pattern as the Imperial one was realised. A very much larger reserve has to be held at the base in the field of operations if you have a variety of patterns. Say you hold ten per cent. of a particular pattern vehicle in the field, if one hundred vehicles are composed of ten different patterns, then instead of holding ten reserves at the base, you have to hold very many more. That is one of the reasons for desiring a universal pattern.

Sir GEORGE PERLEY: What I asked was, whether this criticism was with regard to every part of the Empire, that is to say, that the vehicles or other equipment from Australia and New Zealand, as well as India, and as well as Canada, all vary more or less.

Brigadier-General SEYMOUR: At the Conference of 1907, a resolution was passed that it did not matter.

Sir GEORGE PERLEY: Did they all vary more or less? I asked.

Brigadier-General SEYMOUR: Yes.

Sir ROBERT BORDEN: So far as rifles are concerned, I entirely agree that there should be one type of rifle, and I think it should be produced as far as possible in all the Dominions of the Empire.

Mr. CHAMBERLAIN: Hear, hear.

Sir ROBERT BORDEN: Last summer I brought to the attention of the British Government the desirability of consultation between their Military Authorities and the Oversea Dominions as to the adoption of a rifle to be known as the Imperial Service rifle and to be used not only by the Mother Country but by all the Dominions. I do not suggest that that should be done without consultation between the authorities of the Mother Country and the Oversea Dominions, because we could hardly adopt the principle that whatever is accepted here ought necessarily to be accepted by the Dominions. I think it should be matter for conference and consultation. But I do entirely agree that there should be the same type of rifle. I endeavoured



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Sir ROBERT BORDEN—*cont.*

to ascertain whether or not, out of the experience derived in this War any lesson had been learnt which would necessitate the adoption of some improved type of rifle. It was answered, and with a great deal of force, that there had not been an opportunity of studying those lessons carefully, and that for the present nothing more could be said than that the rifles we proposed to produce in Canada had better be the Enfield 1914, adapted for .303 ammunition. If I remember correctly it was suggested to us that we should accept the type of that rifle then being produced in the United States. Further than that, I think, for the same reason, that equipment ought to be the same, and that it should be adopted after necessary conference and consultation. The Secretary of State for India has pointed out that under certain conditions you may require a different type of transport in India from that which has been accepted by the War Office as the standard. It would seem to me, so far as both transport and equipment are concerned, that you must take into account the nature of the country in which you are to operate and the climate which you will encounter. For that reason it may be that the War Office may have different types, but, nevertheless, standard types, for different theatres of operations. I do not know whether that is desirable or possible, but I do feel that the matter is surrounded with a good deal of complexity considering the enormous diversity of the fields in which operations may possibly have to be undertaken, and that therefore there should be the closest possible conference and consultation between the Military Authorities of Great Britain and India and all the Dominions, that standard types may be adopted and accepted. For the reasons I have already mentioned, it could hardly be expected that a type which had been established independently here, and possibly without full knowledge of all the difficulties that might be encountered in some of the theatres of the Empire throughout the world, would be accepted without the advantage of information derived from the consultation I have suggested. Subject to that, I entirely agree that the principle embodied in this Memorandum is one which it would be proper for us to accept.

Sir JOHN STEEVENS: In this Memorandum we have very carefully endeavoured to explain the guiding principle which we desire to submit, namely, that steps should be taken based on the experience of the Imperial Forces as a whole.

Sir GEORGE PERLEY: On behalf of our Canadian Service, I would like to take exception to the special mention which has been made in this paper with regard to the Canadian forces. As I understand, we carried out our arrangements in accordance with the resolution passed in 1907, as did every other part of the Empire, and we sent over our men thoroughly equipped. We considered that the materials used and the standard of equipment were just as good as, and, in some cases, we thought better than, those adopted by the Imperial War Office. It seems to me that the way this is worded creates an entirely wrong impression. I am thoroughly in accord with what Sir Robert Borden has said about the desirability of having the equipment standardised, but only after careful consultation. I do feel that the special mention of Canada in this connection is liable to create a wrong impression, and I would ask you to allow us to reserve the right to put in a statement on the subject after the matter has been a little more considered.

Sir JOSEPH WARD: Is that the fifth paragraph?

Sir GEORGE PERLEY: Yes.

Mr. HAZEN: I think that fifth paragraph ought to be expunged.

Sir GEORGE PERLEY: I think if the War Office wants to make a general statement on the subject, that is all right, but I do not quite see why one particular Dominion should be picked out for that purpose, and I wish to say here that the statement that the exchange of the whole of our personal equipment was necessary is certainly not correct.

Mr. HAZEN: If I might be permitted to make a suggestion, I think that paragraph should be expunged from the Memorandum. It is a gross exaggeration.

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Sir ROBERT BORDEN: I think it is subject to misconception. As a matter of fact, I believe, after some of our equipment had been left behind on Salisbury Plain when the first Canadian contingent went to France—it was left behind without consultation with us, but doubtless for good reason, because it was not standardised with the Imperial transport and equipment, although apparently it was in accord with the principles laid down by the Conference in 1907—I understand that after it had been left behind scattered a good deal over Salisbury Plain without very much care taken of it, the Canadian representative had a Board called for the purpose of inquiring as to whether it was proper and efficient equipment, and the Board did decide that it was thoroughly efficient equipment, but that it should not be sent to the front for the reason that the equipment there must be of a uniform kind, since, as pointed out just now, in carrying on such a war as this you cannot have spare parts for equipment of a great many different types. So far as the efficiency of the equipment was concerned, I do not understand that there was any finding which militated against its thorough efficiency; it was only because it was not uniform with the Imperial type that it was left behind on that occasion.

Mr. MASSEY: I think I am right in saying that this Memorandum and the various memoranda which come before us are only for our use and are not intended to go any further, and they are not going to be put on record.

CHAIRMAN: You mean they are not for publication.

Mr. MASSEY: They cease to exist as soon as we have done with them.

CHAIRMAN: These are only for the use of the Conference.

Mr. MASSEY: That is what I was saying.

Sir GEORGE PERLEY: Are these memoranda to be published as part of the proceedings of the Conference?

CHAIRMAN: I should think not, certainly.

Mr. CHAMBERLAIN: Surely the military authorities can put the case in a way which will not be offensive to any of us who are sitting round the table, and they would not object to state their case without that special reference. We in India were rather held up as the bad boy at the beginning of the Conference, and we did not complain, but a printed document is much more formal, and the military authorities would have no objection to revising their document so that the statement of their object may be made without raising matters of controversy with the representatives of Canada.

Sir JOHN STEEVENS: The whole object of this Memorandum is to hit us straight in the eye, so as to show the Conference the necessity for our making universal patterns. There was naturally no intention of casting any aspersions. We had no intention of doing so. We had no intention of doing so with regard to India as regards these two patterns I have already shown you. The Indian pattern may be decidedly the better. But that is not the point; it is only to raise the example. Here it was shown for several reasons we had to discard various equipment because of the different patterns.

Mr. CHAMBERLAIN: I am only urging that your case could be put with equal force with the omission of the paragraph to which exception is taken by some of the representatives.

Sir JOHN STEEVENS: Certainly.

CHAIRMAN: These memoranda will go into the secret records of the Colonial Office, but nothing of this kind, which is circulated for the information of the Conference, can be published in any form without the assent and approval and directions of the Conference.

Mr. MASSEY: That is the point I am anxious about.

CHAIRMAN: And even for the purposes of record, if the Conference think a particular paragraph should be eliminated, that can be done. Mr. Massey will remember that in another confidential document he took exception, very naturally, to a paragraph, and that paragraph was excised. That is open to you at any time. I am quite sure the War Office would be quite willing to have it removed at once.



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Sir JOHN STEEVENS: Yes, certainly.

Mr. HAZEN: I think that states in a very exaggerated manner that the whole of the equipment of the Canadian force had to be substituted. I think if our friend looks into it further, he will find it is not accurate.

Sir ROBERT BORDEN: It must be perfectly plain that in its present form it is liable to be misunderstood. I should like to say generally that war under modern conditions is not merely war as it has been in the past, but is war of business organisation, and I do think more regard should be had to the development of efficient business organisation and to the new ideas which may have been developed in the Overseas Dominions. I can give you illustrations. I know that our men in France in the summer of 1915 expressed great surprise to me that light railways were not being built close up to the front for the purposes of transport. The suggestion was made by some of our people who were experienced in the construction of railways. They suggested as early as the commencement of the summer of 1915 that the construction of railways should be commenced at once—in fact, some of our men told me they could have gone out and built railways themselves, if they had been permitted to do so. That idea has since been taken up. I am not comparing for one moment the experience of Canada or other Dominions with that based upon the practice of half a dozen centuries which has been acquired in this country, but in view of the importance of business organisation in many features of modern warfare, I do think that the experience at large which we have in the Dominions might be of some assistance, and therefore there ought to be the conference and consultation I have indicated.

Mr. MASSEY: I do not suppose for one moment that either now or in the past our arms or general equipment have been perfect. I do not profess to have very much experience, but it is quite evident from the discussion we have had this morning that we are gaining experience now, and with the experience we are getting, if it is possible at all to do it, I have no doubt we should be able to make our arms and general equipment very much more perfect after the War than has been the case up to the present. Consequently it seems to me that all we can do now is to express an opinion in favour of uniformity and then leave the rest to the experts. I do not know that this Conference can go any further than that. I am not trying to block the subject at all, but I do not think there is much to be gained by going into details at the present moment.

Sir ROBERT BORDEN: I entirely agree that we are not in a position, with the possible exception of General Smuts, who has had personal experience, to give opinions of any value. All I desire to express is my complete adherence to the idea that there should be uniformity, but uniformity based upon conference and consultation, utilizing the experience not only of the United Kingdom but of India and all the Dominions.

Mr. CHAMBERLAIN: Would it meet the wishes of the Conference if we placed on record a resolution something of this kind: "That this Conference, recognising the importance of standardising as far as possible the military equipment and stores of the British forces throughout the Empire, recommends that an expert committee representative of the military authorities of the United Kingdom, the Dominions, and India, should meet as soon as may be to consider the different types now in use, and to select the best patterns for the future"—something of that kind. I have not formulated the exact words.

Mr. MASSEY: That is what seems to me to be wanted.

Sir ROBERT BORDEN: What should you think, General Smuts, of that idea?

General SMUTS: There is no doubt about it that my own experience entirely confirms the arguments put forward by the General Staff here. In East Africa I had the honour to command an army which consisted of British regulars, many regiments

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General SMUTS—continued.

from the Indian army, and men from South Africa, each with a different equipment of its own. This could not be interchanged, with the result that we had many troubles which would have been avoidable if we had had the same equipment. I think on the general principle there can be no difference of opinion at all that the resolution which was passed in 1907, and which is to be found at the end of the Memorandum from the Quartermaster-General's Department, was wrong and did not go far enough. The resolution said: "There is no necessity for a rigid adherence to the patterns in use in the Regular Army." I think the idea put forward by Mr. Chamberlain is quite right, that there should be an expert Committee from the Administrative Staffs of the various armed forces of the Empire to consult and arrange, as far as possible, and so far as the local and climatic conditions will allow, for uniformity of pattern in all equipment and stores. Of course, besides that, there is the other point, also urged in this Memorandum, to which I attach very great importance, and that is uniformity in training. That is a very different matter from the one to which Mr. Chamberlain's resolution relates. You will see it is suggested that, both for the sake of efficiency and economy, the personnel should be trained more or less on the same methods, and that, to secure this uniformity of training, officers of the Ordnance Departments from the various parts of the Empire should be attached for periods to the Imperial Ordnance Department in order that they may learn the methods of that Department. I think we should pass a resolution to that effect, too, because that will secure, not only uniformity of types with regard to equipment, but uniformity of training. I have found that that is one of the most difficult matters. Unless your officers are trained on a more or less uniform system, the matters are so technical that necessarily great divergence of practice arises in the various Dominions. I hope we shall have a second resolution to meet this second recommendation of the Quartermaster-General's Staff.

Mr. MASSEY: I understand the method of training has altered somewhat, even since the commencement of the present War. What I am informed is this. In New Zealand we have some particularly good soldiers—particularly good officers, I am bound to say. At the commencement of the War they would have been hard to beat, and I do not know that they could be beaten now, but I am informed by soldiers who have arrived from New Zealand recently (a reinforcement has, I am glad to say, arrived in the last twenty-four hours) that the training in New Zealand is somewhat out of date now, as compared with the training in operation in Great Britain.

Sir JOHN STEEVENS: We are not discussing military training now; that is a different department.

Mr. MASSEY: If I am out of order, I think Mr. Long will pull me up.

CHAIRMAN: That is all right. Reference has been made by General Smuts to the question of training which he suggested we should discuss afterwards, and you are merely making a passing reference to that. We shall have to discuss General Smuts's suggestion immediately after the equipment when the Adjutant-General is here.

Sir JOHN STEEVENS: What General Smuts said had nothing to do with the training of men from the soldier's point of view.

General SMUTS: No, it was the training of Ordnance officers, that is the point I take, which is quite different from the military training of men.

Mr. MASSEY: Can I go on, Mr. Long? I am in order?

CHAIRMAN: Yes, I think so, but I think the main question ought to be discussed afterwards and we ought to keep now, if we can, to the question of Equipment and Ordnance.

Mr. MASSEY: We shall have to get a definition presently of who are the members of this Conference; I think that will be necessary. I just want to finish the point I was making on this. I have been informed by soldiers who have come from New Zealand that there is a difference between the system of training in operation there and the system of training in Great Britain, and if there is that



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discrepancy, of course it must lead to difficulties. I agree thoroughly with the principle laid down by General Smuts, that it should apply to the Ordnance officers and to the whole of the officers in the army, whether trained in the Dominions or here, if the system in the Dominions is wrong or out of date.

CHAIRMAN: You are talking of military training.

Mr. MASSEY: Yes.

CHAIRMAN: That is not a question we can discuss now. We shall have to have the Adjutant-General here on that, and he is not here. This is purely confined to the equipment stores and the administration of stores in the field.

Sir JOSEPH WARD: If we are going to have the best results as the outcome of the very trying experience the Empire is undergoing owing to this War, I do not think there can be anything against general uniformity of equipment. If in future forces are to be sent from different parts of the Dominions to help other parts or to help the Motherland or the Empire as a whole, obviously it is of supreme importance that there should be no variations, whenever it is possible to prevent them, in the matter of equipment. I want to take the opportunity of saying, however, that when the expert committee, with the setting up of which I cordially agree, meet it ought not to be a direction to them (or the officer who is here should, as far as I am concerned, at all events, understand my views on the point) that in every detail they should go for absolute uniformity, because whilst there can be no question about uniformity in the matter of arms, rifles, and everything connected with the soldier, you will have still remaining in the future what you have now, a keen sense of local nationality permeating the members from each country. It may be called parochialism, but in all parts of the Empire to-day there is a pride of locality and a pride of Dominion which does not disappear even after the soldiers have commingled with their brethren from other parts of the Empire on the field of battle. Now in the matter of uniformity, if we pass a resolution without giving a direction on the question, and there is not some method by which there is a distinction drawn, we will lose a great deal of what, rightly or wrongly, is an important factor in the forces of the Empire. I think there ought to be an indication from this Conference to the experts that they should not go for a system of uniformity which will prevent a distinction of some kind in the direction of the local defence forces of the respective portions of the Empire so as to keep them, in the eye of the world at all events, distinct. For instance, the way in which the average person is able to tell the men from Canada or Australia or India or South Africa is, generally speaking, by looking at their hats, unless they are close to them. I think something of the kind should be provided for. If we are to have an Empire army in time of stress and trouble, as has been the case during this period of great anxiety, in every direction we ought to go for uniformity with a distinctive turn in the equipment in some way that will instil into the mind of a man who has joined up and has never been a soldier before, that wherever he is he will retain the individuality of his country. I am not at all sure whether this Conference should not give an expression of opinion upon a greater and more important aspect of uniformity of equipment. A great deal of ammunition is made in New Zealand by private concerns who have contracts with the Government. My own belief is that this War has taught some of the Dominions—I am not speaking of any other country but my own—the supreme necessity of having State-owned munition factories, and having them in different portions of the country away from the seaboard. I believe it would not be a bad thing in connection with this question of uniformity of equipment if we had the benefit of the views of the military experts when they come together, upon points of that kind and the views of the other Overseas Dominions, if that would be agreeable to the other representatives. We have to make up our minds in the future that there has to be an accumulation of everything essential for war purposes so that we may never again be in a position of difficulty. There is a great deal of criticism about contracting with private firms or individuals or private companies for the huge supplies for war purposes. When we are here as a Conference having the advantage

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Sir JOSEPH WARD—*cont.*

of the experience everybody is getting at present, it does appear to me to be a good time to look at every aspect of the whole matter with a view to laying a base upon which the new structure which it is necessary to have is to be erected.

CHAIRMAN: Perhaps I may read the resolution which Mr. Chamberlain suggested just now, which seems to me to cover all the ground:

“That this Conference, recognising the importance of assimilating as far as possible the military stores and equipment of the Imperial forces throughout the Empire, recommends that an expert committee representative of the military authorities of the United Kingdom, the Dominions, and India, be appointed as early as possible to consider the various patterns in use, with a view to selecting the standard patterns for general adoption as far as the special circumstances of each country admit.”

Mr. CHAMBERLAIN: If I may say one word in regard to what has fallen from Sir Joseph Ward, I conceive that such a committee might perfectly well recognise distinctions of the kind he has spoken of. For instance, the headgear of the Indian troops is a thing nobody has ever suggested should be assimilated to the headgear of the ordinary British soldier. The Indian wears his pugaree. As regards the other point I heartily agree it is of great importance that in the different parts of the Empire the resources for the production of military stores should be increased and developed and permanently established. I submit the exact way in which that should be done is rather a question for each Dominion to decide for itself. In the case of India we make certain stores out there: we make rifles, for instance, but after the experience of this War we shall feel it quite necessary to enlarge—and we are feeling it now—our Government factories for rifles. We shall make in India the rifle which is in general use throughout the British army, but we shall certainly try to make more of them in India than we have hitherto done. I presume the other Dominions, if we adopted a standard rifle, would each desire to have their own manufactories, but whether they would be Government factories or privately owned factories taking contracts from the Government, would, I suppose, be in each case a matter for the particular Government concerned. I agree that that is important. I do not think my resolution in the least makes difficult the realisation of the views which Sir Joseph Ward has expressed.

Sir JOSEPH WARD: No.

CHAIRMAN: If nobody has any more to say, perhaps we might adopt Mr. Chamberlain's resolution, which seems to cover the ground. Sir John Steevens points out to me that before complete reform you would want to have a Standing Committee so as to keep up to date.

General SMUTS: That could be done by consultation between the different staffs. I do not think a Standing Committee is necessary. The staffs of the various countries could consult from time to time.

CHAIRMAN: You could not possibly appoint a Standing Committee now.

General SMUTS: No.

CHAIRMAN: As to how whatever rules you lay down are to be carried out in the future, the Committee we are proposing should be set up would make recommendations.

Sir GEORGE PERLEY: Is it intended that this Committee should be set up immediately?

Sir ROBERT BORDEN: Yes, as early as possible.

Mr. CHAMBERLAIN: I say, as soon as possible, but I doubt if you could do it at this moment with any advantage at all.

Mr. MASSEY: You cannot do it during the War.



Sir GEORGE PERLEY: No.

Mr. CHAMBERLAIN: This is merely to place on record that it should be done as soon as it is convenient to do it.

Mr. MASSEY: They could not put it into practical effect during the War.

Mr. CHAMBERLAIN: No, at present we have to do what we can.

CHAIRMAN: You can leave that to the initiative of the War Office who will not begin it as long as they have War work on hand; but this enables it to be done the very moment the period of relaxation from the present strain comes.

Sir GEORGE PERLEY: Is it understood that the clause in the Memorandum from the Quartermaster-General's Department to which exception has been taken is to be struck out of the Memorandum?

CHAIRMAN: Yes. Is it your pleasure that this resolution be adopted?

[AGREED.]

Mr. CHAMBERLAIN: General Smuts had another resolution on a kindred subject.

General SMUTS: Yes. May I put this supplementary resolution:

"That this Conference is of opinion that it is desirable that the ordnance personnel of the military organisations of the Empire should as far as possible be trained in the same methods and according to the same principles, and that to secure this end officers of the Ordnance services from all parts of the Empire should be attached for adequate periods to the Imperial Ordnance Department."

CHAIRMAN: Do you want to discuss that or are you prepared to adopt it?

Sir JOSEPH WARD: I think that is an essential corollary to what we have already done.

CHAIRMAN: Are you prepared to vote upon it?

Sir ROBERT BORDEN: There is just one question I should like to ask for information—you mean selected officers?

General SMUTS: I mean selected officers. I do not mean the whole personnel. It is only selected officers, and that word "selected" may be put in before "officers."

CHAIRMAN: "And to secure this end selected officers."

Sir ROBERT BORDEN: You specifically mention one particular department, the Ordnance. I suppose you do that because it is connected with the subject we have just been discussing?

General SMUTS: Yes.

Sir ROBERT BORDEN: Is it of any importance to consider what should be done with regard to other branches of the service—the Army Medical Service, for example?

General SMUTS: That is rather a different matter. The question of the ordnance training is of so highly technical a character that I think to secure uniformity men should come here to the central organisation to learn. It is a purely technical question. Men require a very highly technical training for the purpose, and unless you want the development to diverge on all sorts of lines in the Dominion you will have to adopt one practice.

Sir ROBERT BORDEN: Yes; I was not taking exception to the form of the resolution. What was passing through my mind was whether or not the idea embodied there could with advantage be extended to other branches.

General SMUTS: Yes, but that is a different question, not raised at this Conference. As a matter of fact we do that already. For instance, we send our young doctors from South Africa to be trained here. That is a different question, which is not raised on the present paper.

CHAIRMAN: May we pass this resolution?

[AGREED.]

CHAIRMAN: Is there anything else on Equipment which anybody wants to raise, or anything else Sir John Steevens wants to raise?

Sir JOHN STEEVENS: No.

#### War Medals.

CHAIRMAN: Then we can pass to the subject of Medals, on which a Memorandum has been circulated.\* The Adjutant-General and Sir Frederick Ponsonby are here, and so are representatives of the Admiralty.

Sir FREDERICK PONSONBY: I want, before coming to the Memorandum, to give some idea of the discussions which have taken place on the question of War Medals. Last year a great many suggestions were put forward both in the press and by private individuals, but the King deprecated any announcement being made with regard to War Medals, saying that we ought to beat the Germans first before we thought of anything in the nature of a War Medal. These various questions were referred to a Committee which sprang into existence at the beginning of 1915. This was a Committee to decide questions about foreign decorations. It was realised that some scheme would have to be brought forward before the end of the War, and we started discussing that point as to how the War Medals should be distributed. The general idea was that all those who had been engaged in actual fighting should get some perfectly distinct reward. The first scheme was that the whole army, that is to say that all the men who had attested and all the officers who had been gazetted, should receive a medal which would be the British Medal and the men who had been actually engaged in fighting should receive a second medal. The idea was that in order to avoid the exchange of medals at the end of the War between foreign countries we should suggest that an International Medal should be started. In former wars the custom has been for Allies to exchange medals, and that would mean that the French would send us perhaps 100,000 medals and the Russians 100,000 medals, and the same with the Italians, the Montenegrins, and the Serbians. That would make any distribution of medals difficult. With small forces such as in the Crimea or the Boxer Rebellion, that worked fairly well, but with an enormous number of men engaged, any system of distributing foreign medals we felt would be out of the question. Therefore it has been put forward quite unofficially to the Allied Governments that instead of exchanging medals we should have an International Medal with the design and a ribbon agreed upon by all the Allies, and that this medal should be given by each Allied country and, if possible, associated in some way with the fighting services. The original intention was to make some perfectly clear distinction between the men who had been actually engaged in fighting, who had been in the trenches, the men who had been under fire, and the others, but when the details came to be worked out this proved to be impossible. It was found that no definition of any expressions like "men who had been under fire" or "men who had risked their lives," and various other expressions was possible. Then another idea was to found the system of distribution on clasps, but then when the details came to be worked out this was found to be impossible. The large number of men engaged and the large extent of ground covered made it quite impossible to define any clear limits, and as battles now-a-days go on for so long it would be most unsatisfactory to try to give a clasp for any of the big engagements. Several questions would have to be settled. For instance, if a man came up in a trolley from the base or from a port, and was for ten minutes within the zone of a battle which lasted, say, for three months, would he be entitled to such a clasp? After considering the whole question the War Office came to the conclusion that any system of distribution based on clasps was quite impossible. The War Office scheme therefore now proposed is that all troops should have the British Medal, every man who had attested and every officer who is gazetted, and that an International Medal should be given to all troops who have entered any of the theatres of war. That would be, all those who entered any of the theatres of war would get two medals, and all the men who had not left their own shores would get one medal.

\* See Memorandum printed on page 256.



Mr. CHAMBERLAIN: You do not quite mean that? You do not mean to confine the second medal to the men who have not left these shores, do you? Take the particular case of a garrison battalion, sent to India, which I hope will not see a shot fired in anger, and, assuming it does not, you would not treat them as going into the theatre of war, would you?

Sir ROBERT BORDEN: It depends upon what you mean by the theatre of operations.

Mr. CHAMBERLAIN: If they were not on the frontier they ought not to have a War Medal.

Sir FREDERICK PONSONBY: What was suggested was that anyone who left their native shore, whether Canada, Australia or England, would be entitled to these two medals. It is not quite satisfactory, but it is simple.

Mr. MASSEY: That makes the maximum number of medals two.

Sir FREDERICK PONSONBY: That is the maximum number.

Mr. MASSEY: So if they were in five theatres of war—?

Sir FREDERICK PONSONBY: They would only get two medals.

Sir EDWARD MORRIS: You make no distinction between the man who had actually been fighting and the man who saw no fighting at all.

Sir FREDERICK PONSONBY: That is so. That was found to be quite impossible.

Mr. MASSEY: That will not do at all.

Sir EDWARD MORRIS: You will have to draw a distinction between the man who was in the actual fighting zone and the man who never did any fighting at all.

Sir FREDERICK PONSONBY: That is what we started with—the theatre of war, any man who went to France, say.

Sir EDWARD MORRIS: If he is there fighting he ought to get the International Medal, and a man who never reached there ought to have only one medal, I suppose?

Sir FREDERICK PONSONBY: Yes. At present we have got it, any man who has been in any theatre of war.

Sir EDWARD MORRIS: Take a man who went through the whole of the Gallipoli campaign, is he to be treated exactly the same as the man who never went there at all, but who merely remained, say, in England, and did not go to the front at all?

Sir FREDERICK PONSONBY: No, the man who remains in England gets only one medal and the other gets two medals.

Sir GEORGE PERLEY: If a New Zealander comes to England and never goes anywhere else, is he to be treated the same as the man who went through the whole of the Gallipoli campaign?

Sir FREDERICK PONSONBY: That I do not know.

Sir GEORGE PERLEY: That is the point. He ought not to be.

Sir FREDERICK PONSONBY: He will not have been in any theatre of war. We hoped at one time to make a distinction between people who had done actual fighting and people who had been in the actual theatre of war and not fought, but that was found impossible.

Mr. MASSEY: I think there is this point. It was rather a coincidence that two soldiers came to see me this morning; they came on other matters, but they talked about medals, and they put a question to me which I was not able to answer—in this way; they said, "There are a number of men wearing uniform who have never been out of an office and never seen a shot fired in anger and never will, and there are others who have been to Gallipoli. Is that man who has never taken any part in the War to have the same medal as the man who has been to Gallipoli and all the other campaigns?" I pass the question on because I am not clear about what is intended.

Sir FREDERICK PONSONBY: First of all, we thought if you had a separate medal for people who remained at home and another medal for people who went to theatres of war, the medal of people who stayed at home would be looked down on and laughed at. Therefore the idea was that the whole army should get the British Medal, and that those who have been in a theatre of war should get the International Medal; so that anybody who went to any theatre of war will get two medals, whereas the man who stays at home will only get one.

Sir ROBERT BORDEN: I want to understand whether you propose to give anything to men who have been called out on active service during the war but who have not left their own Dominion. I suppose you have the same question here. You have men who have been called out for home defence in the British Isles and who have never gone to France. We have men called out in Canada for home defence who have not crossed and never will cross the ocean; is there to be any medal for them?

Sir FREDERICK PONSONBY: I was coming to that point. As we have it now any man who has come forward to join the army in any shape or form will get a medal—it does not matter where he is.

Sir ROBERT BORDEN: Or what service he has been called out to perform?

Sir FREDERICK PONSONBY: No, as long as he comes forward and offers his services to the Empire he gets a medal, but he must be attested in the Army or must be gazetted as an officer.

Sir EDWARD MORRIS: Following that up, supposing a man, having enlisted in Canada, comes to England and is stationed at one of the Canadian camps at Shorncliffe and the War ceases to-morrow, does he get a second medal?

Sir FREDERICK PONSONBY: No.

Sir EDWARD MORRIS: But if he has gone to Gallipoli or to the front in France he gets a second medal?

Sir FREDERICK PONSONBY: Yes.

Sir ROBERT BORDEN: That is to say a man who has enlisted in Canada, or has been called up in Canada for active service, and has not crossed the Atlantic, will receive the same medal as Canadian troops who have crossed the ocean and been under training in Great Britain but have not gone to France?

Sir FREDERICK PONSONBY: Yes.

Sir JOSEPH WARD: What is the position of a man who from the very start took part in active engagements in every campaign, five or six of them, and the position of another man who joined at the same time and got to the base, say, on the Western front and took part in no engagements at all?

Sir FREDERICK PONSONBY: We found it impossible to make any difference as long as they have gone to the theatre of war.

Sir JOSEPH WARD: One man would have gone to the theatre of war and done nothing, and the other man has at some time or another gone through five or six engagements and risked his life every time, but the man who does nothing gets two medals, the International Medal and the British Medal, and the other man gets the same?

Sir FREDERICK PONSONBY: We have found it quite impossible to make any difference between the two.

Mr. MASSEY: It is not right.

Sir JOSEPH WARD: It would be interesting to know where the difficulties lie. Is it the number of them?

Sir FREDERICK PONSONBY: The Adjutant-General can explain it better than I can.

Sir JOSEPH WARD: If we knew the difficulties, we might be able to overcome them.

Sir EDWARD MORRIS: Will there be a distinction for those who have fought in three or four theatres of war?



Sir FREDERICK PONSONBY: No.

Sir EDWARD MORRIS: Take the case of a Canadian soldier who has fought in Gallipoli and in France, will there be no distinction?

Sir FREDERICK PONSONBY: None. All get the two medals.

Mr. HAZEN: Would he not get any bars?

Sir FREDERICK PONSONBY: I will come to the question of bars later on.

Sir NEVIL MACREADY: Even in a comparatively small war such as happened in South Africa the medal question was a very difficult one on account of the difficulty created in connection with what I might call the irregular corps, which were not the regular Army, of getting returns sent in. Even to this day there are some thousands of medals still outstanding which we cannot trace, and I do not suppose ever shall, because the commanding officer and the adjutant have not kept any records, and we are not able to get rid of them. In a war like the present, when the medals will run into millions, we have first of all to look at the possibility of getting accurate information as to what a man was doing and where he was, so that we should not give medals to people who do not deserve them and who are not entitled to them. As to the point of the man at the base and the man at the front, it would be practically impossible to devise a geographical area in which a man is going to get a different medal to that of a man at the base. It very often happens in the fighting going on in France to-day that some piece of machinery belonging to a gun or something like that is suddenly wanted; it may be put into a car and a man dashes off right up to the front to the divisional artillery line with this piece of machinery, delivers it, and goes back again. That man would have to be traced in the medal roll. You cannot go by minutes, hours, or days that a man has been under fire. If you had a differentiation between your two medals that is one complication which would arise in tracing men of that sort. The difficulty is, where are you going to draw the line? You cannot draw it in the trenches. Then how far back is it to be drawn? If you follow that out I suggest you will find it is almost impossible. Take the general headquarters, which are miles and miles behind the front line. A certain number of officers on the general headquarters are further up at the front than perhaps the divisional staff when fighting is going on. Take various other units, take some of the cavalry which are ordinarily far behind the headquarters; they may be called up and pushed up into a place and yet not take any active part, as has happened in the past, and then come back again. The difficulty in drawing a geographical area within which a distinct and separate decoration may be given is great, and the further you go into it the greater the difficulty becomes—unless somebody can find a solution which we have not been able to find at the War Office.

Sir FREDERICK PONSONBY: The difficulty is in a battalion lending so many men to another battalion.

Sir NEVIL MACREADY: The British army is so intermingled now. We have quite washed out any idea of battalions. We never think in battalions to-day; that is a thing of the past; we think in regiments. A regiment may have thirteen battalions, as some of them have. The men are constantly chopping and changing, and the commanding officers are constantly becoming casualties and being washed out. From what I have heard, and when I was at the front from what I saw, you may have five or six or seven different adjutants in a year. It will be practically impossible to keep any records of men, or rolls of men, entitled to medals unless we can get the very simplest machinery possible, and even then—and I have had some experience of South Africa, as I was at the Cape when we were doing the medals there and I know the difficulty happened—with the simplest machinery you can devise you will have twenty-five per cent. of error at least, but my personal opinion is it will be much higher.

Mr. CHAMBERLAIN: Your point now is that if a man is in France you cannot distinguish between one man in France and another man in France, but you are not at this moment raising the question of whether there should be a decoration for a man who served in Gallipoli and a second decoration to the man if he subsequently served in France or Mesopotamia.

Sir NEVIL MACREADY: We have considered that, and there is this point to notice. It is quite possible that in 1915 a man might have been in Gallipoli, in Egypt, and in France. It is also possible that a man has been in France the whole time. That man has been actually fighting 300 days out of the 365, whereas the man who was in Gallipoli, in Egypt, and in France was travelling about a good bit, and perhaps when in Gallipoli was one of the men who did not do much fighting. If you give locality clasps for each separate theatre of war you would have a man with three clasps who perhaps had not done nearly so much to earn them when you come to actual fighting because he might have been travelling about and not actually at the job so much as the man in France fighting for his life the whole time in the trenches for a year. That is what mainly influenced the Army Council in saying that the distribution of clasps by theatres of war would work very unfairly.

Mr. MASSEY: With all due deference to the Army Council, I would like to express an opinion on the point raised by Mr. Chamberlain, and that is with regard to Gallipoli. I know perfectly well that it is impossible to provide a medal for every battle in which our troops have been engaged, and it would be unreasonable to suggest it. I know some of the difficulties after what has been said and by reason of what little attention I have given to the subject. But I would like to say that there are two campaigns, two points in the present War, for which I think the men who took part in them should have special distinction. I am thinking now of Gallipoli. I do think some special medal or distinction should be given to the men who took part in that campaign, from whatever part of the British Empire they have come. I also think some special distinction should be given to every British soldier who took part in the first part of the War, that is to say—I am only speaking approximately—up to the end of 1914. I am thinking of those who took part in the turning back of the German troops when they were almost at the very gates of Paris. If I am right I believe those two parts of the War will stand out in history, the Gallipoli campaign and the first reverse the Germans suffered when they were almost within reach, and certainly within sight, of Paris, when the British troops distinguished themselves in a way equal to anything that has been done by any troops in any part of the world, either in Europe or on the other side of the globe. I feel that some special distinction should be given to those two sets of men. I am not in the least attempting to disparage what has been done by the other men. I know the splendid work done by the men on the Somme last year; that will never be forgotten; but I do think those two things I have mentioned stand out, and that some special recognition should be given to those soldiers. By the way, what is proposed to be done for the nurses?

Sir NEVIL MACREADY: As regards the old Expeditionary Force the suggestion was put forward of a separate medal. That was thrown out and very largely on the argument that after the War, when it is hoped we shall have an Imperial army, there should be no distinction and people should not talk about the old Regular Army or the Territorials or the Special Reserves. The idea was that everything should be done which would bring the whole thing down to an Imperial Army. But there will be a certain distinction. The man who has the "1914" clasp can only practically have been a member of the old Expeditionary Force. The "1914" clasp will practically only mean that, and there will be a few thousands left which belonged to the old British Expeditionary Army. The idea was very strongly pressed at headquarters in the War Office for a separate medal for that, but it was felt it would make an invidious distinction which would not be advisable afterwards. As to Gallipoli it is quite true that the 1915 Gallipoli man under that ruling or opinion would have his International Medal with the "1915" clasp which would really show. Just the same as the man in France or Mesopotamia or wherever he may have been.

Sir FREDERICK PONSONBY: I do not think we have made it quite clear about the date clasps.

Sir NEVIL MACREADY: No, I have not mentioned them. Nurses get exactly the same medals as the men—not the Red Cross but the Army nurses.

Sir JOSEPH WARD: Would they get the double medal?

Sir NEVIL MACREADY: Exactly the same as officers and men.



Sir JOSEPH WARD: The maximum number would be the same for the officers and men under equal conditions?

Sir NEVIL MACREADY: Under equal conditions—exactly the same. Sir Frederick Ponsonby has mentioned the date clasps. There was a locality clasp proposed, "France, 1915," "Gallipoli, 1915," and "Mesopotamia," or whatever the case might be. The reason the Army Council thought that was not advisable was because a man would have three clasps possibly for not having done as strenuous work during that year as a man who would only have one because he had not the luck to be moving around the globe and had to stick to his trench and fight. That was the reason for that.

Mr. MASSEY: Is there a clasp for every year?

Sir NEVIL MACREADY: Every year to be worn on the International Medal. Take the man who in 1916 was 364 days in England, whoever he was, whether a Dominion soldier or a British soldier, and who landed in France on the 365th day, he would get his date clasp on his International Medal. The man who was at home would have a date clasp, and the man in Canada who was an enlisted soldier would have a date clasp on his British Medal.

Mr. MASSEY: I do not see the difficulty all the same.

Sir NEVIL MACREADY: I assure you it is an enormous difficulty.

Mr. MASSEY: I understand the War Office considers it impossible to make special recognition for the men at Gallipoli or the men who took part in the 1914 part of the campaign when really the Empire was saved—that is my opinion.

Sir NEVIL MACREADY: No more than the clasp.

Sir JAMES MESTON: May we at this end of the table put in a plea for the sentiment of the Indian Expeditionary Force. They, I am sure, would be perfectly ready to leave to the War Office the discrimination between officers and soldiers who served continuously in offices and those who left the shores of the country in which they were engaged. But the case of soldiers who came from India covers many men who served in France, in the Dardanelles, and ultimately in Mesopotamia and also in parts of Egypt. The suggestion that is made in the Army Council Memorandum for a system exclusively of time clasps would contain no record of these varied services. Particularly among the Indian troops the sentiment of individual actions is extremely strong. It is of old standing which comes from days when they fought on great historic occasions, such as the relief of Delhi and the relief of Lucknow—I am talking exclusively at the present moment about Indian troops. That sentiment has descended from father to son, and I know perfectly well from what I have seen of Indian soldiers who have returned from the front that they would be desperately disappointed if there was no record of what, for instance, the Gurkhas in Gallipoli, or of what certain regiments like the 39th Garhwal Rifles did in France. They realised, as I think we realise, the importance of putting a stopper on pure medal hunting. Nobody wants to suggest facilitating that in any way. But we would put in a very strong plea for something in the nature of battle clasps or other distinctions indicating the fields in which the men have served, and if possible the more important actions in which they have been engaged. General Cox, the Military Secretary at the India Office, has made a suggestion that it might be possible to combine the time clasp and the battle clasp; that is to say, when it is impossible to verify whether an individual officer or soldier has been present at a particular action for which a battle clasp has been given, he should have to be content with receiving the time clasp for the particular period to which authentic records show that he is entitled. Inaccuracy, of course, there will be. We have had the most desperate trouble over the pay of the soldiers and the officers who have returned from the various fronts, but possibly that illustration would indicate an analogy. If it is possible to trace ultimately the pay due to individuals—and I only suggest it because I cannot profess to have detailed knowledge—it might be possible to trace through the same agency roughly the whereabouts of the great majority of the men engaged. Even if there is ten, fifteen, or twenty per cent. of inaccuracy we would ask that that should be accepted rather than that the sentiment should be stamped upon.

Mr. HAZEN: Under this proposal it would be the case, would it not, that a man might enlist and might go through the War without ever having actually taken part in any engagement as a combatant, and yet might receive both medals and the clasp for every year? For instance, a man might enlist in Canada, and it might be found that the best thing for him to do was to cook. He enlists and he gets his British medal. He comes over here, he goes to France, he has to keep on cooking somewhere away back at the base, but that is in the theatre of war, and that gives him the International Medal; he continues at that work year after year and for every year he gets a clasp. He comes home with every distinction that will be given to the man who has actually and really fought in the trenches, and has distinguished himself in the trenches.

CHAIRMAN: Are you opposing that? That has been the practice before. I remember after one of our campaigns in Egypt, when medals were being distributed, the officer commanding the artillery in my neighbourhood had the selection of three men to go to have their medals pinned on by the late Queen Victoria, and he deliberately selected the battery cook as one, on the ground that these men could not possibly have fought if the cook had not been there to feed them. After all the cook does not go of his own free will; he is ordered to cook and the other to fight. I do not think you can make distinctions of that kind without getting into awful trouble.

Mr. HAZEN: Might it not be possible that something should be done to show the different campaigns in which a man takes part? Could not there be medal clasps, as has been the case in previous wars, to show the different battles?

CHAIRMAN: Medal clasps like in South Africa.

Sir FREDERICK PONSONBY: That has been done.

Mr. HAZEN: There may be difficulties in this War which are insurmountable.

Sir FREDERICK PONSONBY: There are all these millions of men, and there are not any rules you can go by to work out any satisfactory definition of what constitutes being in battle. Take the Battle of the Somme, for instance. Who was in the Battle of the Somme? How far does it reach to the right and to the left, and how far back? Then how long has a man to be in it in order to earn a clasp?

Mr. HAZEN: That is a difficulty that would not have existed in the past, because the wars were conducted so very differently and with fewer men.

Sir FREDERICK PONSONBY: Yes.

Sir ROBERT BORDEN: Some men who were not actual combatants have rendered as great service and sometimes incurred as great risk as those classed as combatants—the Army Medical Corps, for example.

Sir FREDERICK PONSONBY: Yes.

Sir ROBERT BORDEN: And, doubtless, the cooks, because there is a great deal of courage displayed in getting up supplies of food, while the men at the front are actually engaged in the battle.

Sir FREDERICK PONSONBY: Yes.

Sir JOSEPH WARD: I would like to endorse the remarks of Mr. Massey regarding Gallipoli and the early part of the campaign, and, if it is possible to meet his desire, I think it ought to be done. There can be very little doubt in this great War that what is standing out in the sight of people practically all over the world as one of the most remarkable incidents in connection with it is part of the work done at Gallipoli. A name has been given to some of the Overseas Dominion connected with some of the men of the Old Country and other parts of the Empire and the Indians as well. "Anzac" gives an indication of the special work done on one special occasion in connection with the landing and other operations at Gallipoli. One thing is perfectly certain, that everybody who is related to those men—and there are very peculiar conditions about Gallipoli as we know—will look for some special recognition regarding Gallipoli even more than with regard to other parts where some of the tragedies of war have taken place and where magnificent courage has been shown by the troops from all parts of the British Empire. I do not know if the difficulties are insuperable. I assume the gentlemen here to-day with others must have had a good deal of trouble in trying to find a way



Sir JOSEPH WARD—*cont.*

out of the difficulties. The enormous numbers of men engaged in this War are beyond the conception of former times, but, unless there are insuperable difficulties in the way, there ought to be some exceptions made in one or two of these striking cases. Take the case where the Canadians were engaged, as an instance.

Mr. MASSEY: That was in 1914, was it not?

Sir ROBERT BORDEN: On the 22nd April 1915.

Sir JOSEPH WARD: They distinguished themselves in a way which caused them to stand right out. They were referred to by the officers commanding in the most complimentary terms. It is such a huge war and such huge problems require to be solved that one does not know as a layman the way in which a scheme of this kind can be satisfactorily carried out, but if the bright points which will be historically referred to in the future are to be eliminated from the breasts of those who remain, as far as decorations are concerned it will be very regrettable, and I very earnestly hope the difficulty can be overcome.

Sir ROBERT BORDEN: The whole subject is, of course, surrounded with a great deal of complexity and difficulty. There have been so many glorious incidents in the War that I realise how difficult the War Office have found it to do what may be considered only bare justice to all the forces engaged. I entirely agree that the record of the British Army in 1914 is perhaps as glorious as any of the splendid traditions of the force from the time when its history first records them. The whole Empire was of course thrilled by the achievements of all the forces engaged in the Gallipoli Peninsula. As has been said, there was the incident of the first attack with gas, when the Canadians were entirely unprovided with any means of meeting it, and when they lay gasping on the ground but did not retreat, holding their own in spite of this most barbarous and treacherous method of warfare. I have seen some of those men in hospital months afterwards, still gasping for breath; but they did not go back; they held on. Then there was the campaign in which the South African forces were engaged, when, in spite of difficulties which I suppose none of us can realise, they pressed on, and drove the Germans out of South-West Africa. If it were possible to do complete justice to all those, as well as to the splendid valour of the Indian forces in many engagements, we should all be delighted. But the question remains whether or not the attempt to do that would involve the whole problem in so many difficulties and so much complexity, that it would really be impossible to carry it out satisfactorily. I suppose that is a view which has impressed itself upon those who have had the subject under consideration.

Sir FREDERICK PONSONBY: That is so.

The CHAIRMAN: Is it the difficulty in selecting special battles or special incidents, or the difficulty of identifying individuals that governs the decision, or both?

Sir FREDERICK PONSONBY: Of course, selecting the battles could easily be done, after discussion, but the difficulty is in making sure what your definition is going to be, and where your line is going to be drawn to make it satisfactory as regards the clasps or the battle front.

CHAIRMAN: What is the difficulty in defining a particular battle? Surely that must always have been the case. Take some of the South African battles, the Modder River or any other, it must have been just as difficult to define the actual area.

Sir NEVIL MACREADY: Take the Battle of the Somme, which extended from just below Arras to below the river, practically every division of the British Army was engaged in that battle two or three and sometimes four times. When a division is used up, it is taken back to another part of the line. Now, even if it was possible geographically to define the Battle of the Somme, I think that would do a very great injustice to the men who were not there and who were fighting a great deal harder than men who actually were in that area, for this reason, that the people up at Ypres had to keep up their end and make as much demonstration as they

Sir NEVIL MACREADY—*cont.*

possibly could, and they did it. Then take a trench mortar battery which had never moved out of the position, but were left there to garrison the line outside Ypres and was fighting day in and day out during the whole of the Battle of the Somme without any rest. Those fellows would not be included in the Battle of the Somme and would not get the clasp, whereas a division that came in at once and was pulled out and had a little rest behind and then went back again would get it. It would be quite possible that men not actually in the Battle of the Somme were really having harder and more continuous fighting than men actually in the battle, if it were possible to define it, which I honestly do not think it is. We have tried hard, but where are you to draw the line?

CHAIRMAN: You would not say that all the men in the Battle of the Somme were not doing as hard work as anybody anywhere else?

Sir NEVIL MACREADY: No; but a division comes in and gets badly knocked about, and then it is pulled out to be made up for three days or six days or a fortnight, depending on what state it was in, and then it is put back or it is sent off further north where there is a little less strenuous fighting; whereas the trench mortar battery never got away at all, but was in whatever fighting there was day in and day out during the whole of the operations. Another difficult point is where are you going to draw the line? Take the first and second battles of Ypres, little, tiny things compared with the Battle of the Somme, and yet those separate little fights were very desperate. Then there was Loos and Neuve Chapelle; for the men engaged there they were very severe, but the numbers were comparatively small. There would be great heart-burning, I think, and we may be coming to an Armageddon compared with which the Somme may be nothing.

The MAHARAJA OF BIKANER: If it is very difficult to have battle clasps, would it not be possible to give clasps, say, for Gallipoli, France, Flanders, Mesopotamia, Egypt and Africa? I quite realise what the Adjutant-General was saying about it being rough perhaps on the soldiers who fought in France the whole time, but Gallipoli has been immortalised. The Indian troops who were fighting in France were sent across to Mesopotamia and had extremely hard fighting before, through our organisation, they succeeded in capturing Baghdad. I think there will be great disappointment in India if the troops have nothing to show in the shape of a distinctive badge that they have fought in those very important and distinct theatres of war where there was very severe fighting.

Sir ROBERT BORDEN: What about inscribing the battles on the colours?

Sir NEVIL MACREADY: That followed the clasps in the old days.

The MAHARAJA OF BIKANER: That would be an additional argument. In the Peninsular War we had eighteen clasps, and I think there were nine in South Africa. If this war goes on into 1918 it is not likely that a man will have fought on every front. You will have only four or five of these other clasps, and there will be eight or nine at the most.

Sir NEVIL MACREADY: If it is decided to have a theatre of war clasp the main thing the Army Council based their opinion upon was what I said before, namely, that a man who had been travelling round would have three clasps in one year, whereas a man who had been fighting all the time and never moved would only have one.

Mr. CHAMBERLAIN: The Maharaja's suggestion was a combination of the year clasp and theatre of war clasp.

Sir NEVIL MACREADY: That is to say, you might have a man in one year, 1915, who was in France, Egypt and Mesopotamia, and he would have three clasps, "1915" France, "1915" Egypt, and "1915" Mesopotamia. The man who stayed in France and never moved and did not have the off time on a ship travelling round would only have one, "France, 1915."

Mr. CHAMBERLAIN: That is quite true, but the man who stayed in France three years would have three clasps.

Sir NEVIL MACREADY: And the other man would have five.



Mr. CHAMBERLAIN: He might have five.

Sir NEVIL MACREADY: He might have more. Up to date it is quite possible for many of your men to get another clasp. So far the theatres of war are defined as follows:—

(1) The Western European theatre, to include all operations in France and Belgium between certain dates to be fixed later.

(2) The Eastern European theatre, to include all operations in Macedonia, Gallipoli, Balkan States, between certain specified dates.

(3) The Egyptian theatre, to include all operations against Turco-German forces; also operations against Senussite forces in Western Egypt and on the borders of Cyrenaica; and operations in Darfur, between certain specified dates.

(4) The African theatre, to include all operations in Togoland, Kamerun, Nigeria, German South West Africa, German East Africa, B.E.A. Protectorate, Zanzibar, Uganda, Rhodesia, and Nyasaland (excepting minor operations against native tribes, for which the Africa General Service Medal is, or will be, awarded).

(5) The Asiatic theatre, to include all operations in Mesopotamia, North China (Kiau-Chou, &c.), Arabia, the Arabian Coast and islands in the Red Sea, and Aden Protectorate, Persia and Seistan, between certain specified dates.

(6) The Australasian theatre, to include all operations in (1) German Samoan Islands, (2) German New Guinea (Kaiser Wilhelmsland, Bismarck Archipelago, Bougainville, &c.), (3) minor German island dependencies.

Those work out to six theatres of war which the date clasp would follow. If you have date and locality, of course, the various localities would go on those clasps with the date. There is one point I would ask you to bear in mind which the Army Council has very much in mind. When this war is over there will be a great cry for the rapid distribution of these medals. Everything that complicates the matter at all will add a very long time. The South African Medal took five or six years before we began to see our way to the bottom of it; I know it took four years, and at the end of that time the Medal Branch was beginning to break up. That was in 1906. We have that very much in mind. I am already working on a plan to try and break away from the old tradition of having the medal struck by the Mint and that sort of thing. I want to try to quicken it up, but it will be a lengthy business even if you make it quite simple.

Sir FREDERICK PONSONBY: Would the Maharaja's plan do for every man to get a date clasp, and only one clasp with the different places he has fought at put on the one clasp? Take the case of a man who went from Egypt to Mesopotamia and then to Salonika, you would give him "1916," and then there are three places written on the one clasp?

Sir NEVIL MACREADY: It would be enormously difficult to write them on. They are manufactured things.

Sir FREDERICK PONSONBY: Would that satisfy everybody?

Sir NEVIL MACREADY: If they do not mind waiting for the medal.

Mr. MASSEY: I am not quite clear whether it is possible, in the opinion of the Army Council, to provide special recognition for the men who take part in each theatre—Africa, Mesopotamia, of whatever it might be—by way of a clasp.

Sir NEVIL MACREADY: No. The idea was that every man should receive his penny—that is, get his clasp for 1915, whether he fought in France, Gallipoli, Egypt, East Africa, or in a combination. If you have the place put on you would have the locality which would show the actual theatre.

CHAIRMAN: The Maharaja recommends the place, I understand.

The MAHARAJA OF BIKANER: A clasp showing the places.

Sir FREDERICK PONSONBY: Only the area of war?

The MAHARAJA OF BIKANER: The area of war.

CHAIRMAN: Not the battles, but the place.

Mr. CHAMBERLAIN: I see the enormous difficulty. I am convinced it is impossible to give battle clasps in the sense in which we would all have liked, but in a war on this scale one sees that means such a hopeless complication, and it is so difficult to select that I feel it is almost impossible. Certainly we at this end of the table feel very strongly that it would be a very great misfortune if a man could wear no recognition of the theatre of war in which he fought. A man who came and served—I am thinking of the Indian troops particularly—for instance, in France, against the Germans in those early days, would have nothing to show except a medal equally worn by the man who was at Aden. It would be felt to be a very hard thing.

Sir EDWARD MORRIS: That was the point I raised at the start. Supposing the International Medal and the British Medal were adopted and the clasps for the calendar year, what possible objection can there be to having the locality on the clasp, except from the manufacturing standpoint?

Sir NEVIL MACREADY: And from the point that there would probably be a great outcry—not that that matters—by the man who was fighting in one theatre of war for two or three years continuously that he would only get two or three clasps.

Sir ROBERT BORDEN: I think it is deserving of some consideration. Suppose a man is fighting for three years and enters four or five different theatres of war, what greater service has he done for the Empire than the man who was planted in the Eastern theatre originally?

Sir EDWARD MORRIS: I agree. I would not give him any more distinction; if a man was in ten theatres of war I would not give him any more recognition except the fact of putting it on his clasp. Does that give him any more distinction? It is a mere record.

Sir ROBERT BORDEN: It is suggested, I suppose, because it does give him distinction.

Sir EDWARD MORRIS: That would not be fair.

Sir ROBERT BORDEN: Has not a soldier who fought continuously at Ypres or elsewhere in one theatre given as great service as one who has been afterwards sent to Salonika?

Sir EDWARD MORRIS: It might be less.

Sir ROBERT BORDEN: It requires careful consideration. Before this War is over, troops engaged in France may be distributed here, there, or somewhere else on a battle line extending from the North Sea to Switzerland. They have been fighting at many points on that line. I cannot see that they give any less service than those who have been moved from one theatre to another.

Sir EDWARD MORRIS: I agree to that, but the question is whether you give a man any more distinction by merely making a record on his clasp of where he was—it is nothing more than that.

Sir ROBERT BORDEN: The theatre, even if the man has been serving only in his particular Dominion, is as wide as the Empire during this War.

General SMUTS: I do not think any solution is possible except the one which is proposed by the Adjutant-General. The difficulties are enormous. I do not think we should claim any special distinction for those operations where the Dominion or the Indian troops were specially engaged, like Gallipoli, as Mr. Massey said. One would like to place on everlasting record a performance like that, but I do not think it will really help us in the future to give any special distinction to any section of our heroes. When you come to mention theatres of war you then have the additional difficulties how to distinguish the theatres. I understand from the Adjutant-General that that particular theatre is that of "Eastern Europe"; it will not be called Gallipoli.

Sir NEVIL MACREADY: "The Eastern European theatre, to include all operations in Macedonia, Gallipoli, Balkan States, between certain specified dates."

General SMUTS: So that the Australian would not be satisfied with being classed as taking part in Eastern Europe, because he thinks of Gallipoli. I think the



General SMUTS—*cont.*

particular difficulties, the administrative difficulties, connected with issuing these medals will be so great that on the whole I myself see no other solution than the time one which has been adopted in these suggestions, and I strongly support the proposals placed before us by the Army Council.

Mr. MASSEY: I have listened very carefully to everything which has been said and I have heard all the arguments and of all the difficulties. I see some of the difficulties are almost insuperable, but I have heard nothing to make me believe that it is impossible, undesirable, or improper in any way to provide a special distinction for the soldiers who fought at Gallipoli. I feel it all the more keenly on account of the fact that Australia is not represented here to-day. I feel if it had been possible for Australia to be represented at this Council Board to-day the very strongest arguments and desires would have been expressed by the representative of Australia that something should be done for the men who fought at Gallipoli, which was really the most important occasion (I am not speaking in any disparagement of what took place in South Africa, but we know that was a very small affair as compared with the present war), when soldiers from the Southern Hemisphere took part with the soldiers of the British Army in what was a very serious campaign, and where the soldiers from our part of the world lost very heavily—we regret what took place but we cannot go back upon it—and I do say the relatives of those men who fought would be very seriously disappointed if something were not done to recognise the part taken not only by New Zealand and Australia but by the Indian troops who were there and the soldiers of the British Army, especially the 29th Division. Gallipoli stands out, and there should be no difficulty in separating the soldiers who fought there from the soldiers who fought in the different campaigns which have taken place. I would ask the representatives of the Army Council and of the War Office who are here to-day if it is possible to reconsider their decision with regard to Gallipoli, and provide—whatever it may be; I am not sufficient of an expert to say whether it should be a clasp or a medal—something so that these men and their descendants for a very long time to come may be able to say, “our relatives took part in that great campaign where the soldiers from Australasia and from India took part, and a very active and a very gallant part, in the great War that was going on.” I ask, is it not possible to reconsider it and to do something in the way I suggest and as other members of the Conference have suggested?

CHAIRMAN: It would not be possible for the Conference to select one or two places.

Mr. MASSEY: That is my difficulty.

CHAIRMAN: I think the Conference would feel that if there is to be any departure from the suggestion of the Army Council it must be given general application, whatever may be the individual views as to the gallantry, or the heroism, or the privations suffered, or the climatic conditions which in some ways were infinitely worse probably than even in Mesopotamia and in German East Africa where they had terrible difficulties of a sort to contend with. I think it would be impossible to select four or five, or certainly two or three. If any exceptions are made it must be by adopting a different principle; that is to say, you must keep your date, but add to it, as the Maharaja has suggested, some geographical description. I do not know whether the Conference feels justified in passing a resolution to-day. General Smuts supports the proposal made by the War Office. Mr. Massey and the Maharaja ask for reconsideration. This subject, I know, has been most exhaustively and carefully considered by this Committee which has been sitting for a long time. I think I ought to say to the Conference that I have heard a great deal of discussion of this question both among soldiers in France and among soldiers here and among the general public. It has aroused a great deal of interest, and I agree with what has been said, that there will be very great disappointment if, when the decision is announced, it is found that there is no recognition of the particular theatres and battles of the War; but I ask the Conference to consider, having regard to the complexities and tremendous difficulties, all of which have not been disclosed here, and having regard to the fact that some of the rules adopted in

CHAIRMAN—*cont.*

some previous campaigns, notably in South Africa, where there were at that time colonial areas as well as the general field of war, led to all sorts of improper claims being made for medals and, I have no doubt, in many cases actual grants of medals; having regard to all those difficulties, would it not be better to leave the Adjutant-General and Sir Frederick Ponsonby in possession of the discussion which has taken place to-day, and perhaps at some later period before the Conference breaks up they might be willing to come again. Would not that be better than passing a general resolution which might be embarrassing and which we are hardly qualified to pass? Because although we are all agreed on what I may call the sentimental point of view, we have not before us all the immense difficulties which the Adjutant-General and Sir Frederick Ponsonby and their colleagues have had before them from the beginning. We have heard the discussion, and I would submit respectfully for your consideration whether it would not be better to leave it at that rather than pass a resolution which might be embarrassing, especially if it turned out impossible to give effect to it.

General SMUTS: Yes, and I want to propose that the matter should be left to the discretion of the Army Council, taking into consideration the points and considerations that have been brought forward here, and leaving the final decision of things to the Army Council.

Mr. MASSEY: I am not prepared to accept that suggestion at present, Mr. Long, nor am I prepared to move anything in the way of a resolution, simply for the reason that I know how embarrassing it would be, and I do not want to take advantage of the position in the very slightest. All I suggest is this, that the matter should not be finally settled to-day. We have an officer of long experience at the head of the New Zealand forces in England, and I should like to have an opportunity of consulting with him on this very important point. I think he was in England representing New Zealand before the War started—at all events, I know he is a soldier of very long experience—I speak of General Richardson. It may be selfish, but I should like to have the opportunity of consulting him before coming to a decision on this. I do not know whether it is proper to suggest that I should have an opportunity of asking General Richardson to be present at this Conference (I do not know that I am going to do it) when this matter comes up again.

CHAIRMAN: You can lay it before him if you like.

Sir FREDERICK PONSONBY: May I continue about the Naval point of view?

CHAIRMAN: Please.

Sir FREDERICK PONSONBY: As to the Naval point of view, nothing has been decided. The original idea was based on clasps, I think, but now the Navy propose to adopt the same procedure as the Army. Sir William Graham Greene knows about the Navy.

Sir WILLIAM GRAHAM GREENE: I may state that the Board of Admiralty are not confronted by the same difficulties as the Army Council. The manner in which they have approached this question is that they have thought it better to proceed on the precedents of the past. The Board have no difficulty in arriving at the exact information as to where seamen of the Navy are serving at any given time. The records are complete. There may be a little difficulty occasionally as to whether a man was actually on board ship or not, but that is a comparative trifle. The records are such that the Admiralty would have no difficulty whatever in deciding whether a man took part in the Jutland battle or in a particular engagement between individual ships, and whether they were concerned in operations of the landing of troops at Gallipoli or any of the numerous operations in which the Navy have taken part. But the Board have not yet finally drawn up a scheme on which they propose to proceed. They thought it better to await a final decision with regard to the war medals applicable to the Army, and as soon as that is finally settled I think they will be able to decide on the particular zone, or particular actions which, in their opinion, should be rewarded by a clasp, either general or particular. In the past there have



Sir WILLIAM GRAHAM GREENE—*cont.*

been clasps given for operations of a general character, clasps given for engagements between fleets, and for actions between cruisers and small vessels, and even clasps given for operations in boats. All these various forms of naval operations or activities will be considered in due course. But inasmuch as it is the wish of the Board of Admiralty to work as far as possible on the same lines as the Army Council they would defer any final decision for the present.

Mr. CHAMBERLAIN: I think that has a very direct bearing on the discussion we have just had. If the Board of Admiralty contemplate granting a special naval medal for the landing at Gallipoli, it is surely impossible that there should not be a military medal for the operations in Gallipoli. If the War Office decide to have no medal specially for Gallipoli, it surely must not be possible for the Navy to give one?

Sir WILLIAM GRAHAM GREENE: I mentioned a clasp, not a medal.

Mr. CHAMBERLAIN: A clasp. Is a sailor in one of the ships to wear "Gallipoli" on his clasp while the soldiers who were in the trenches are to have nothing to show they were there? You have only to state it to show the thing is impossible, I think. One of two things must happen; either neither soldier nor sailor must wear "Gallipoli" on his breast, or both must wear it.

Sir FREDERICK PONSONBY: That is why the Board of Admiralty have not got very much further with their scheme. They are waiting to hear what is decided on the Army scheme, because there are about twelve instances where the Army and the Navy have fought side by side, and, as you point out, if the Navy gave a clasp with the locality on it and the Army did not, there would be rows about it.

Sir JOSEPH WARD: The Army and Navy were at Gallipoli and at the Dardanelles. If any distinction is made between the two branches of the Service it will result in very great trouble. I think probably this discussion should stand deferred.

CHAIRMAN: Stand adjourned for the present.

Sir FREDERICK PONSONBY: May I say one thing about the munition workers at home. That matter has been under consideration—whether some sort of medal for reward should be devised for munition workers and all the people engaged at home in doing various things for the War. The present idea is that there should be a National Medal instituted, and that some decision should be come to as to who should be eligible for this National Medal. There will have to be some definition made out of what is a munition worker, but assuming that is possible the proposal is that all those should get a bronze medal, or bronze star, or something to show to their descendants that they had done something in the War.

Sir EDWARD MORRIS: That you would not confine to munition workers?

Sir FREDERICK PONSONBY: We have not gone much further.

Sir EDWARD MORRIS: Would not the general principle be to embrace everybody who has done anything?

Sir ROBERT BORDEN: That embraces the whole population.

Sir EDWARD MORRIS: There are persons who are special constables.

Sir FREDERICK PONSONBY: You get to the point then, whether if you give it in such large quantities, anybody would value it.

Sir JOSEPH WARD: If given generally, people would certainly not value it.

Sir ROBERT BORDEN: How can you differentiate between people producing steel, copper, and coal for War purposes?

Mr. MASSEY: I do not object to them all getting it.

Mr. CHAMBERLAIN: I am afraid something was said about it in this country when all our anxiety was about munitions. I am not quite certain if some public statement was not made by the Prime Minister.

Sir FREDERICK PONSONBY: Lord Kitchener made a statement in the House of Lords.

Mr. CHAMBERLAIN: I think it was a lamentable proposal, and I wish it were out of the way. I suppose we are all engaged on war work, but I should be ashamed to wear a medal.

CHAIRMAN: It arose out of the sort of compulsory way in which they refused to let men join the Army and insisted upon them remaining to make munitions, and something was said to the effect that they would have a recognition. I think it is deplorable that a medal should be given.

Mr. CHAMBERLAIN: Yes.

CHAIRMAN: Then I think this discussion is adjourned.

Mr. MASSEY: If there is to be recognition of the naval men it strengthens my case and makes it very much worse for us. I think something is necessary for Gallipoli. If you do it for one you must do it for the other. I do not propose to go back on what could be done for the Navy; I think it should be done. To put New Zealand and Australia right I move: "That in the opinion of this Conference some special recognition should be given to those soldiers who fought at Gallipoli." I could not go back to New Zealand unless that was done.

Sir FREDERICK PONSONBY: Unless the Navy came in on the same system as the Army and had date clasps.

Sir ROBERT BORDEN: The naval men have fought in France?

Sir FREDERICK PONSONBY: Yes, but they are then called the Army when once they land.

Sir ROBERT BORDEN: They will get the military medal.

Sir FREDERICK PONSONBY: Yes.

CHAIRMAN: Is it your pleasure that the discussion should be adjourned?

[AGREED.]

Adjourned to Wednesday next at 11 o'clock.



## FOURTH DAY

Wednesday, 28th March 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11 A.M.

### PRESENT :

The Right Honourable WALTER H. LONG, M.P., Secretary of State for the Colonies (Chairman of the Conference).

#### Canada.

The Right Honourable Sir R. BORDEN, G.C.M.G., Prime Minister.  
The Honourable Sir G. H. PERLEY, K.C.M.G., Minister of Overseas Military Forces.  
The Honourable R. ROGERS, Minister of Public Works.  
The Honourable J. D. HAZEN, Minister of Marine and Fisheries and Minister of the Naval Service.

#### New Zealand.

The Right Honourable W. F. MASSEY, Prime Minister.  
The Right Honourable Sir JOSEPH WARD, Bart., K.C.M.G., Minister of Finance.

#### South Africa.

Lieutenant-General the Right Honourable J. C. SMUTS, Minister of Defence.

#### Newfoundland.

The Right Honourable Sir E. P. MORRIS, K.C.M.G., Prime Minister.

#### India.

The Right Honourable A. CHAMBERLAIN, M.P., Secretary of State for India.  
Sir J. S. MESTON, K.C.S.I., Lieutenant-Governor of the United Provinces.  
Colonel His Highness the MAHARAJA OF BIKANER, G.C.S.I., G.C.I.E., A.D.C.  
Sir S. P. SINHA, Member Designate of the Executive Council of the Governor of Bengal.

Mr. H. C. M. LAMBERT, C.B., Secretary to the Conference.

Mr. E. J. HARDING, Junior Assistant Secretary to the Conference.

### THERE WERE ALSO PRESENT :

Sir G. V. FIDDES, G.C.M.G., C.B., Permanent Under Secretary of State for the Colonies.  
Mr. A. D. STEEL-MAITLAND, M.P., Parliamentary Under Secretary of State for the Colonies.  
Admiral Sir CECIL BURNEY, G.C.M.G., K.C.B., Second Sea Lord of the Admiralty.  
Sir W. GRAHAM GREENE, K.C.B., Secretary of the Admiralty.  
Lieutenant-Colonel W. DALLY JONES, Assistant Secretary to the War Cabinet, and Private Secretaries.

28 March 1917.]

NAVAL DEFENCE.

[4th Day.

### Notices of Motion.

CHAIRMAN: Sir Edward Carson and Sir John Jellicoe are not able to come, as we had expected, but Admiral Sir Cecil Burney and Sir William Graham Greene have been good enough to come. I will now call upon Sir Joseph Ward to move his Resolution.

Sir ROBERT BORDEN: What is the proper time to give notice of proposed Motions?

CHAIRMAN: Either now or at the end of the Proceedings.

Sir ROBERT BORDEN: I wish to give notice that when the question of constitutional relations within the Empire comes up for discussion I will move the following Resolution:—

"That the Imperial War Conference are of opinion that the readjustment of the constitutional relations of the component parts of the Empire is too important and intricate a subject to be dealt with during the war, and that it should form the subject of a special Imperial Conference to be summoned thereafter. They deem it their duty, however, to place on record their view that any such readjustment, while thoroughly preserving all existing powers of self-government and the complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous Nations of an Imperial Commonwealth, should recognise their right to an adequate voice in foreign policy and in foreign relations, and should provide effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action founded on consultation, as the several Governments may determine."

Mr. MASSEY: It will be competent to move an amendment upon that, I presume?

CHAIRMAN: Certainly. At the conclusion of the proceedings to-day, I must ask the Conference to decide as to the adjournment over Easter, and as to the business they will take immediately on reassembling, and I assume they will desire to set apart a day for the discussion of a Motion like this, and perhaps they will desire to do that in advance. Sir Joseph Ward, will you be good enough to open?

### Naval Defence.

Sir JOSEPH WARD: Mr. Chairman, on submitting the motion that I gave notice of some days ago, I propose, in the comparatively brief statement I will make regarding it, to avoid as far as possible any reference to the important matter of which Sir Robert Borden has given Notice of Motion to-day. To some extent the question of the future constitution of the Empire is very closely related to the future system of Empire Naval Defence, but I will keep the latter separate on this occasion, for the all-important reason that I think it is of paramount necessity that, in the event of the Admiralty, on account of pressure of work due to the war, not being able to furnish a scheme for the consideration of this Conference, one should come before a succeeding Conference. It is, in my opinion, of the very deepest concern to the people, at all events of the country I represent, that we should have the benefit of the practical experience of the members of the Admiralty who are responsible for the protection of the Empire as a whole. Up to now we have never had the benefit of the Admiralty's view definitely as to what is the best system to adopt. It is quite correct that in 1909 a Memorandum was furnished by the Admiralty dealing with these matters, in which they gave their view upon the question, really leaving it to the right (and properly so, I admit) of the individual portions of the Empire to do whatever they considered to be best. But we have never had from the Admiralty, as far as I know, any scheme to provide for the better protection of the vast and growing interests of the Empire as a whole, which will meet not only the requirements of the Motherland, but the aspirations of the individual over-sea countries as well. As the result of the expansion of the Empire, the outlying Dominions are becoming every day (I am not speaking for any individual over-sea country, as gentlemen will clearly understand—I am speaking in a general sense on the point)



Sir JOSEPH WARD—*cont.*

more impressed with the vital necessity of having a Navy that is strong enough to protect the scattered interests of the Empire as a whole.

Now I make one allusion here to the Pacific, and when I say that the populations of the various countries bordering on that vast ocean total roughly 700,000,000—China has, of course, to be included—it will, I think, be at once seen that it is not a fair proposition for any person, either in or out of public life, to expect the present great British Navy to perform all the work devolving upon it in the protection of a great Empire that has to consider, amongst other things, the huge population of 700,000,000 belonging to the various countries whose shores are washed by the Pacific Ocean. Indeed, I will go further, and say that the present great Navy, with all the magnificent work that it has done, was never built to meet the exigencies of practically a world-wide war such as exists at the present time, and it is not too much to suggest that even at present it has a greater duty and a heavier responsibility put upon it than was ever contemplated in pre-war days. At the same time I want to acknowledge, as we all do, the fact that but for the British Navy we could not win this war, and I make that acknowledgment because I would not even by inference suggest that the Navy has not done marvellous work beyond the actual range and centre of the war. It is undeniable. But the safety of the whole Empire in the past, and beyond all question in the present—and it will apply with greater and stronger force in the future—depends upon the power and the strength of the British Navy; and the experience we have had tends to show that, on account of the responsibility put upon an Imperial, but not an Empire, British Navy—in the sense, I mean, of being able to protect distant parts of it and to carry on the conduct of the war near the heart of the Empire at the same time—there are portions of the Empire to-day of enormous value which are almost unprotected on the sea—unprotected in so far as the requisite strength of British ships of war are not there to safeguard our interests—that is to say, to safeguard the Empire's interests.

It is quite true that, owing to the friendly and valuable co-operation of a Nation in Alliance with Great Britain, there is protection to some extent in the Pacific, but even with that co-operation, for which the Empire as a whole is truly grateful, no thinking man can contradict me when I say that, considering the interests involved, it is of a very limited character, and if by any chance in this almost world-wide war the requirements of that country necessitated the full protection by its Navy of its own territories, we would be very much worse off as far as Naval power is concerned in those waters than we are to-day.

Now incidentally, in the case of Australia and New Zealand the value of the trade in and out from those two countries is well over 200,000,000*l.* sterling a year, and it seems to me that if there is to be a system to meet the requirements and the expansion of a vast-growing Empire, it is the bounden duty of the representative men both of the Motherland and of the Over-sea Dominions to have the most practical and up-to-date advice and information from the best source that can furnish it. I think the time has arrived—and, indeed, it has almost gone by—when anything in the shape of a put-off policy to safeguard in the future the outposts of the Empire—and, indeed, the hegemony of the Empire—can be tolerated by people who have at the present juncture a very great responsibility upon their shoulders; and these men, in the immediate future, will have a still heavier responsibility upon their shoulders if they do not act and arrive at some decision as to what is to be the best means for protecting the interests to which I have just referred.

I want to emphasise the importance of the Navy in another direction, and it might be represented by me saying that but for the power and the strength and the splendid management and control of the Grand Fleet, not only would the Motherland not have been able to protect herself during this war, and the outposts of the Empire as well, but those great Allies who are associated with the Motherland could not have survived this war, in my opinion, for 12 months had it not been for the British Navy. The spontaneous way in which all parts of the British Empire sprang, not to the assistance of, but to co-operation with the Motherland for mutual protection, in itself points a moral that cannot be overlooked. It is essential that the Grand Fleet should be in every direction relieved—or those who are responsible for the direction or the

Sir JOSEPH WARD—*cont.*

administration of the Grand Fleet should be in every direction relieved—from the possibility of having, in times of stress and difficulty, to withdraw any portions of that Fleet even temporarily from their proper stations for the purpose of protecting the ocean routes over which produce and goods of every description, valued at hundred of millions of pounds sterling, and troops and passengers, have been conveyed since the inception of this war. While it is due to the strength of the Navy that the oceans were swept almost clear of enemy naval ships and ships of the Mercantile Marine, the fact remains that the sinking of the German squadron off the Falkland Islands could only have been brought about by a weakening, to some extent, of the units under the central administration here, that were primarily, and, indeed, rightly, intended to protect the heart of the Empire itself.

The view that I hold is that the development of the Dominions into a galaxy of young nations attached to the Empire throws the duty upon them, in association with the Motherland, of in some way relieving the administrators of the British Navy in the future from having again to act in the way that I have just indicated. That Memorandum from the Admiralty which is to be found in the records, in my opinion, was probably about all they could do at the time when they were asked to furnish information regarding the British Navy. But I want to say that, without derogating in the least from the knowledge or the capacity or the experience of any layman—and no doubt there are, in some instances, skilled men in the respective over-seas countries—the Dominions are not in a position to move off at this juncture in what I would call a satisfactory way until they have the benefit of the ripe consideration and experience of the men who are now, in many respects, no doubt, taking a fresh view of Naval strategy and Naval warfare in connection with the war in which they are now engaged; and I hope, among other things, even although there may, and probably will, be divergent views among the members of this Conference, the report of this discussion, apart from the resolution, will be sent on to the Admiralty. When this war is over, and peace has been assured, it is as certain as we are sitting round this table that the Motherland will be confronted with a new, and, in some respects, a very grave responsibility in reference to its internal and external financial requirements. By internal and external I mean that the financial burden imposed as the outcome of this war must of necessity call for economies, with very important changes, in the interests of the people within these Islands, and in the general interests of people for whom the Government are responsible in lands beyond the shores of England itself; and for that reason I feel, among other things that it would be, at all events from my standpoint, invaluable if the Admiralty were to furnish a full report upon the side of the Naval power required, and a full report upon the full amount of the finances required, for the building, for the upkeep, and for the replacement in the shape of renewals periodically of a complete Empire Navy.

The question as to whether it is to be one Navy in the future or whether it is to be five separate navies is one upon which I think the Admiralty should be invited to express an opinion. It does not follow that the opinion so expressed may or will be assented to by the representatives of the different Over-seas Dominions; but the Admiralty should be asked to furnish what they believe to be the most effective scheme, to show the full financial requirements necessary for it, and to express an opinion as to which is the better method—one Empire Navy under one control in time of war, disposed of in time of peace to meet the local aspirations of the different countries, or a system of local or separate navies. It is for the respective countries, after they have had that information before them, each retaining its undoubted, and, I was going to say, inalienable right to the full continuance of that autonomy which exists there now, to decide in conference and individually how far, if at all, they can comply with any recommendation made by the greatest authority in the world, as to what the scheme for Empire Navy defence should be.

At this Conference Table the other day the members were unanimous upon a point that is analogous to what, in my opinion, the position of the Navy from the Defence point of view is. In connection with the Army there was unanimity of judgment and decision upon the question of having a uniform system, practically in



Sir JOSEPH WARD—*cont.*

every direction you could name, in the general interests of the Empire as a whole, and we went one step further upon a Motion proposed by General Smuts, because the interchange of Officers which has been going on for some time for the purpose of having training on a similar basis was extended to include Ordnance officers, or a selection of Ordnance officers. Now, that all shows that while each of the over-seas countries desires no interference of any sort or kind with what they conceive to be best for the raising, the maintenance, and the equipment of their local armies, to ensure its value for general protection purposes in time of war, it has been unanimously decided—and this was the case on former occasions too, Mr. Chairman—that in practically every respect, including training, we should have co-operation, and in that sense co-ordination, so as to enable men from any portion of the Empire—when their Governments, in the full right of their local autonomy, exercise their independent decision, without interference or dictation from anybody—to be sent to any part of the Empire or to any part of the World, to co-operate with men from other portions of the Dominions or the Motherland itself for the general purposes of the defence of the Empire as a whole.

Now, while that is the case, it is quite clear that there has been at no time any suggestion of interference with the rights of the over-sea countries to do whatever they conceive to be best in that respect. If it is right that we should have co-operation, and to a very large extent co-ordination, of the land forces, it hardly requires any argument to impress upon ourselves and our people that it is of far more importance, with the full reservation of the local autonomy of all parts of the Empire, that there should be some well-defined—and it is only possible by mutual arrangement—naval scheme, as the Navy has an even greater work to do than the Army. After all, this old land has been made very much by its commerce through its mercantile marine, and by the protection, in the years which have gone by, of the mercantile marine by the Navy that has gradually developed and expanded until to-day it is the most up-to-date and efficient in the world. It is sea power that we have to look to now, and that we must look to in the future, for the preservation of the Empire, and it is certain, at least in my opinion, that sea power is going to be materially changed as the result of the new methods and the new inventions which have been brought into operation during this war. The development of the submarine and the development of air power are going to be tremendous factors in the protection of the distant parts of the Empire in the years to come. It is quite conceivable that after this war is over some of those countries now our enemies, and it is quite possible that some of the countries now our friends, may have, in parts distant from the seat of the Empire, bases that could be used, and in all human probability, judging by the ordinary standpoint from which one arrives at conclusions, will be used, as bases, as depôts, or as ports for submarines, and as bases for the new form of warfare in the air.

Now to my mind all that means that the British Empire as a whole has got to be ready for an expansion, and a great expansion, of the Navy itself. It has got to be ready, wherever those new bases arise or may be established, to be in at least as good and, indeed, a superior position to its enemies in such parts; and I for one say quite sincerely that I do not believe it is a fair thing—in fact, I say it is not a right thing—for the 16 millions of white people now inhabiting the over-seas portions of the British Empire to expect that a larger share in proportion to their population for extended naval protection should be thrown upon the taxpayer of the Motherland than is borne by the Over-sea Dominions. All parts of the Empire, it will be admitted, have done their duty, and done it magnificently—I am not referring to that, but I am referring to the ordinary contributions for that naval protection which the outposts of the Empire have received for the last fifty years. None of us can profess that we have paid anything like our proportion for the naval protection that we were getting, even though the British naval ships were, as a general rule, far distant from our shores. There is going to be reconstruction of many things when this war is over, as the outcome of it, and my opinion is that a reconstruction, and by that I mean an expansion, of the Navy will be one of those calling for early consideration. I am not gifted with prescience any more than any other man,

Sir JOSEPH WARD—*cont.*

and I do not profess to be able to gauge what a prospect of a long term of years to all countries may mean after the war as to the necessities for the upkeep of navies on their present basis; but it does occur to me, as doubtless it has occurred to every thinking man, that the growth and the financial power of some of the other countries, due very largely to this war, is already so great, and is going to be so much greater, that even although force of circumstances may require some enemy countries to limit their expenditure upon navies in every direction, the interests of those vast possessions which are included within the territory of the British Empire will still require to be safeguarded against the growth and increased power of some of the other countries which is already visible. For these and other reasons, Sir, without attempting on this occasion to suggest what is best, I think in the general interests of the British Empire we ought to have the considered mind and judgment of those men who are at the head of the Admiralty, and who are responsible at the present juncture for the safety and protection of the British Empire, upon what they conceive to be necessary to help us to arrive at decisions concerning our own territories which will make for greater strength in co-operation with the Motherland's Navy for the future protection of the Empire as a whole.

After fully considering this matter, I came to the conclusion that the present is not a time to attempt to arrive at fixed decisions upon anything in regard to an Empire Navy. There are some men who want small local navies; there are others who believe in one Empire Navy, with ships located in different portions of the Empire, manned by the people belonging to those portions of it, paid if necessary by the people of those portions of it, with the right to build the ships required in those portions of it; and two of the great Over-sea Dominions upon a former occasion came to conclusions, not upon identical lines, but in reality in the direction of providing their own fleets, manning their own fleets, and, if necessary, building their own fleets, and everyone recognises that they are entitled to their independent judgment, for they have their own responsibilities, and in that respect no one takes any exception to what has been done. But if it is possible for the same object to be attained under advice that we can all respect as disinterested advice, would it not be a better way of proceeding. Under any conditions it would be a good thing for the solidarity of the Empire if remote places felt that they had not only a say, but that they had ships representative of an Empire Navy in their parts of the world too. Since the last occasion when I moved in this matter, at the Imperial Conference in 1911, a great deal of water has passed under the bridge, and there can be no doubt that the people in this land and in some others, certainly in ours, are strongly imbued with the feeling that the time has arrived when some change is essential, and for them to have a say as to the decisions that vitally affect the destinies of the parts under their control, as they do the destiny of the Motherland itself. There has been a materially changed opinion in some respects, otherwise we would not have the representatives of India at this Conference to-day. There has been a growth of Empire solidarity, brought about under the loose conditions under which invaluable work has been done up to now, which cannot be denied. There is a feeling permeating all outlying portions of the British Empire, that they should have a say in what is known as foreign policy, that they should have a voice, although they might be in a minority, as to whether they are to be plunged into war, and in turn they are entitled, with the representatives of the Navy in the Motherland, to have a say in suggesting and co-operating as to what Naval schemes should be brought into operation with a view to the protection of their interests; in fact their people to-day, in my opinion, consider they are entitled to have a say as to the very causes that necessitate a powerful Navy being in existence. For that reason I hope that the Conference may see its way to get an absolute free and full opinion from the Admiralty upon this matter, and when we have got it we can, I feel sure, disinterestedly consider it. Possibly, owing to the pressure which exists at the moment, it may not be practicable to get the Admiralty's views for this Conference, but if it should be possible to have it in the Recess between this Conference and the next one, then I think the matter is of such vital importance that it should be sent to the Governments, in all parts of the British Empire, as soon as it is available.



Sir JOSEPH WARD—*cont.*

I have tried to avoid the inclusion, in the observations I have felt it necessary to make on the subject of the Resolution, of any remarks which may at this juncture occasion any friction or feeling. There may, of course, be differences of opinion, but I have purposely avoided suggesting a preference for any particular scheme for all or any part of the Empire which directly and indirectly is involved, in connection with what is an Empire war; and the Resolution I now submit for consideration is:—

“That this Conference, while fully recognising the importance of maintaining the unity of the strategic direction of the whole Navy of the Empire, wishes at the same time to place on record the desire of the Overseas Dominions to retain, as far as may be consistent with that object, the administrative control of the forces they provide and of the expenditure which they contribute. That for the purpose of giving effect to this resolution the Admiralty be requested to work out the details of a scheme for the consideration of this Conference, with any recommendations they consider necessary for the future effective naval defence of the British Empire.”

Sir ROBERT BORDEN: Mr. Chairman, with the larger part of what Sir Joseph Ward has said in support of this Resolution I am sure all of us would desire to associate ourselves, and I particularly wish to associate myself with his tribute to the efficiency, the endurance, the resourcefulness, and the valour displayed in the work of the Navy ever since the outbreak of war. Considering the immensity of the oceans, considering the difficulties and hardships—which none of us can adequately realise—involved in that wonderful vigil which the Navy has maintained in the North Sea ever since the outbreak of war, no words of appreciation uttered here could be regarded as a full recognition of the work that the Navy has accomplished. I agree also in his view that, for the purpose of obtaining expert advice, there is no authority that can be consulted with greater advantage than the Admiralty. That was my own view when the present Administration in Canada was first constituted, and for that reason at the earliest possible moment I consulted the Admiralty as to what could best be done by our Dominion for the common defence of the Empire. As to what subsequently happened, it is not desirable for me to enter into it to-day, but it would have been a great satisfaction to those who represent Canada, and, I am sure, to the Canadian people, if ships provided by Canada had taken part in the warfare upon the ocean which has been waged during the past two-and-a-half years or more.

I entirely agree also with Sir Joseph Ward as to the importance of naval defence. That is really a truism; everyone of us understands, and I am sure everyone of us has often declared, that the safety of this Empire depends upon the security of the ocean pathways. An Empire such as ours, scattered over all the oceans and upon every continent, cannot possibly continue to exist except by the security obtained through naval power, adequate in every respect to make the ocean pathways safe, whether in peace or in war.

Having said so much, and thus expressed myself in thorough concurrence with the purpose which Sir Joseph Ward has in view, I should like to suggest to him that the terms of this Resolution, if a Resolution is to be passed, might be modified with advantage. In the first place, I do not think it necessary that we should place on record what is contained in the first sentence of the Resolution. As I understand it, no question has arisen as to administrative control, and during the present war no question has arisen as to unity of direction. It would seem to me that unless that sentence is called for by some incident or some experience of which I am ignorant, it might as well be omitted. Then as to the concluding paragraph of the Resolution—

CHAIRMAN: Are those words, Sir Robert, from “while” in line 1, to “Empire” in line 3?

Sir ROBERT BORDEN: No. I am omitting the first sentence down to and including the word “contribute.”

CHAIRMAN: The whole of it?

Sir ROBERT BORDEN: Yes. Now as far as the rest of it is concerned, it is perfectly obvious to us that the conditions of naval warfare have been thoroughly modified, as Sir Joseph very truly said, by the invention of submarines, and by the development of aircraft. It is impossible for us to say, however, whether that lesson has yet been fully learned. We do not know what new experiences may come to us before this war is over. Further than that, I should consider it impracticable—and I say this subject to the views of those present who can speak with authority on this point—for the Admiralty, under the exigencies of this war, and under the tremendous pressure there is upon them from day to day in facing problems which are absolutely vital to the whole Empire, problems upon which depends our success in this war, it would be impossible for the Admiralty while the war is in progress to work out for us at this Conference any scheme which could be regarded as satisfactory. In other words, there are two reasons—first, the lack of time, and secondly, that the experience of the War may not yet have been fully gained.

I agree, however, that, so far as the future naval security of the Empire is concerned, it is desirable that the Admiralty should take the whole subject into consideration, and should give to us, as soon as war conditions will reasonably permit, a statement of what their views are. Those views, when expressed by the Admiralty, would not be binding upon the various Governments to whom they were communicated, but would be taken into consideration by those Governments. There will doubtless be consultation; there will, perhaps, be a future Conference at which this most important subject will be taken up, and, indeed, in the Resolution of which I gave notice this morning I used phrases which were intended to cover in a general way what is now proposed by Sir Joseph Ward, although I thoroughly realise that the very great importance of the subject fully justifies his bringing it up in this special manner, and I am sure that the thanks of the Conference are due to him for his action in that respect.

Then, in connection with the Report or Memorandum which the Admiralty will give to us, we will have to consider methods, we will have to consider theatres of action and influence. The Admiralty will have to take into account, in dealing with this question, the importance of certain theatres of action and influence, such as the Pacific Ocean, which have to some extent received possibly less attention during recent years than that to which their importance would entitle them. So, without detaining the Conference, because I know that others desire to express their views, I would, with all deference and respect, suggest to Sir Joseph Ward that it might be well to modify his Resolution so that it would read in this way—I would prefer that I should do that rather than that I should move an amendment to it—and I would be prepared to support the Resolution if it read in this way: “That the Admiralty be requested to work out, as soon as war conditions will permit, the details of a scheme of Naval Defence for the consideration of the Governments summoned to this Conference with such recommendations as the Admiralty may consider necessary in that regard for the Empire’s future security.” It really embodies the substance of Sir Joseph Ward’s proposals, with the modification that we do not expect the recommendations to be presented to us at this Conference, and that we should wait for the further experience to be gained in this war before the Admiralty should be called upon to present their final views.

Mr. MASSEY: Following up what has been said by Sir Robert Borden, I also desire to say at the outset that I propose to support the greater part of the Resolution—the more important part of the Resolution—proposed by Sir Joseph Ward, either as modified in the way suggested by Sir Robert Borden or as it may be modified later on by the Members of the Conference or by Sir Joseph Ward himself. I think it is the right thing on an occasion like this that the authorities of the Admiralty should be asked to draft a scheme of Imperial Naval protection for the whole of the Empire. In saying that I would like to say that I suppose, with regard to this question as with every other question, authorities may differ. I had some little experience of differences of opinion on the part of gentlemen connected with the Admiralty some years ago. There was a very acute difference of opinion at the time in the country which, along with my colleague, I represent, with regard to whether it was desirable to establish what are sometimes spoken of as local navies, or to



Mr. MASSEY—*cont.*

depend upon a great Imperial Navy for the protection of our Dominion. When I say there was a difference of opinion, I am thinking of what may be called, perhaps, on the one side, the nautical opinion, and what, on the other side, may be called the political opinion. I happen to have had experience of both. Documents came along to New Zealand, and were submitted to Ministers and to prominent men connected with the politics of the country, giving the Admiralty side, while on the other side we had a very eminent naval authority in New Zealand, Admiral King-Hall. I happened to be at two public functions where Admiral King-Hall was called upon to speak, and on both occasions he expressed himself in exactly the opposite direction to the views expressed officially by the representatives of the Admiralty. I mention that in order to show that there may be a difference of opinion even among people well qualified to express an opinion, but, even supposing that it is so, any opinion that may be put before this Conference will give us the opportunity of discussing this very important question, and possibly of arriving at some conclusion which may be useful to the people we represent and to the Empire as a whole. Let me say that I give way to no one in my admiration of the work the Navy has done, not only in the present war, but in the whole history of the Empire and in the whole history of the race. We have been dependent for our protection, for our prosperity and for our welfare, to a very great extent upon the British Navy. Whether we shall be dependent to the same extent in the future remains to be seen. On that point I do not think even experts, so called, are able to express any opinion at present. No one knows what the result of the submarine warfare, the development of which we are experiencing just now, may be; I do not think anyone can tell. Personally, I feel a good deal of confidence in the resourcefulness of the Navy and our naval officers, and I believe that just as we have found something to deal with the Zeppelin, so in the future—and I would like to say in the not far distant future—shall we find something to deal as effectively with the submarine. I have confidence in the opinion I am going to express that our naval supremacy will not be wrested from us by the Germans or by any other Power. In saying that I want to follow it up by saying that I believe we may not be able to depend to the same extent upon the Navy in the future as we have done in the past, but it may be necessary for us to do more in the way of military preparedness than we have done up to the present. I do not want to elaborate that point, but I think the lessons we have had during the present war, and especially after the commencement of the war, must have impressed themselves upon all the people of the Empire.

New Zealand is particularly concerned, perhaps even more concerned than any other part of the Empire, in efficient naval protection. It is a small country, standing to a certain extent by itself, and away from the possibility of being protected—that is locally protected—by the great Fleet, or by the great Fleets, I might say, that protect these Islands. While I do not want to strike any discordant note during the present war (and I am not going to say a word outside this room on the subject, publicly or otherwise), I cannot, in justice to the people I represent, refrain from ventilating what I consider to be a serious grievance, and which most of them consider to be a grievance, in connection with the naval protection which has been extended to us in the past. Let me go back for some years, to the state of things that existed, say, twenty-five years ago, from a Naval point of view in the South Pacific. At that time New Zealand contributed nothing to the Imperial Government on account of naval protection. I do not say that that position was right; I think it was wrong; but as time went on an arrangement was made by which the New Zealand Government contributed a very small sum, 20,000*l.* per annum, to the maintenance of what was called the Australasian Squadron, that is the squadron which was intended to protect Australia and New Zealand and the British people in the Islands of the Pacific. As time went on the payment was increased to 40,000*l.* After a time the annual payment was increased to 100,000*l.* per annum. Even then many people, like myself and Sir Joseph Ward, felt that we were not doing enough, and that the payment was not at all adequate to the protection which was being afforded, and there was willingness on the part of New Zealand to do a great deal more. Then came along the proposal of the then Government in 1909 to provide a Battle Cruiser to be handed over

Mr. MASSEY—*cont.*

to the British Admiralty; and this was also done. There was some difference of opinion with regard to the details which I do not think it is necessary to go into, but the Battle Cruiser was built and handed over, and the proposal was confirmed unanimously by the Parliament of the country. In 1909 a correspondence took place between the Government of the country and the Imperial authorities with regard to the naval protection of New Zealand. At that time Australia had decided to establish a fleet of its own, that is to say an Australian Fleet, which was intended to be, and is to-day, part of the Imperial force, and I am glad to say that its ships have done very good work in different parts of the world; and I am also glad to say in passing that the ship which was presented to the Imperial Government by the Dominion of New Zealand has also had the opportunity of doing good work on behalf of the Empire and on behalf of the whole of our people.

In 1909 a correspondence took place between the then Prime Minister, Sir Joseph Ward, and Mr. Reginald McKenna, First Lord of the Admiralty, on the subject of the Naval protection of New Zealand. It is too lengthy to quote in full, but I am just going to take out one paragraph which I think gives the gist of the question at issue, and then to quote a letter in reply from Mr. Reginald McKenna. In his letter<sup>\*</sup> Sir Joseph Ward says: "New Zealand will supply a 'Dreadnought' for the British Navy as already offered; the ship to be under the control of and stationed wherever the Admiralty considers it advisable. I fully realise that the creation of specific units, one in the East, one in Australia, and, if possible, one in Canada, would be a great improvement upon the existing condition of affairs, and the fact that the New Zealand 'Dreadnought' was to be the flagship of the China-Pacific unit is, in my opinion, satisfactory. I, however, consider it is desirable that a portion of the China-Pacific unit should remain in New Zealand waters, and I would suggest" (and I would call your attention particularly to the suggestion) "that two of the new 'Bristol' cruisers, together with three destroyers and two submarines, should be detached from the China Station in time of peace and stationed in New Zealand waters; that these vessels should come under the flag of the Admiral of the China unit; that the Flagship should make periodical visits to New Zealand waters; and that there should be an interchange in the service of the cruisers between New Zealand and China, under conditions to be laid down." I do not know that there is anything of very urgent importance in the other parts of the letter, so I will pass to the reply made by Mr. Reginald McKenna. I want again to remind the members of the Conference of the suggestion made that there should be two cruisers of the "Bristol" type, a very useful type of cruiser, with which probably the members of the Conference are acquainted, together with three destroyers and two submarines, and that these should be stationed in New Zealand waters. A naval station was also to be established at one of the New Zealand ports, and it was practically agreed that Auckland should be that port. There was a little difference of opinion about it, but I am not going to enlarge upon that. I simply mention the point in passing. Now I come to the reply<sup>†</sup>: "Dear Sir Joseph,—The suggestions made by you at the meeting of the 11th, and recited by you in your letter to me of the same date, have been carefully considered, and concurred in by the Admiralty." Nothing could be more definite than that. "The present Naval Agreement with Australia and New Zealand will not be renewed, and in view of this fact and the other special circumstances referred to by you the part of the China Fleet unit, as set out by you, will be maintained in New Zealand waters as their headquarters." There was the implication of a naval station. "Your wish that the ships of the Fleet as a whole, or at any rate the armoured ship and the cruisers, when completed, should pay a visit to New Zealand on the way to China shall also be carried out. I take this opportunity on behalf of the Admiralty of repeating their sincere thanks to the New Zealand Government for taking so important a part in the inception of the present Conference. The Admiralty feel that every effort should be made to work out a scheme acceptable to the people of New Zealand, having regard to the patriotic action taken by yourself and your Ministers in March last.—I remain, Yours sincerely, REGINALD MCKENNA." If ever there was a definite promise in this world that was a definite promise, and I

\* See p. 27 of [Cd. 4948].

† See p. 28 of [Cd. 4948].



Mr. MASSEY—*cont.*

am sorry to say, as a British citizen, as one who was born a British citizen, and who will die a British citizen, that so far as we are able to judge, there was never the slightest attempt made to keep that promise. I am sorry to have to say it, but there it is. Very well, I leave that. I am not provided with the reasons why the promise was not kept; I am simply stating the facts. There may have been reasons, possibly, but I think I am able to look at both sides as well as most people.

CHAIRMAN: Is that the promise in the second part of the letter as to the visit of the ships to New Zealand?

Mr. MASSEY: No, I am not referring to that. That was kept.

CHAIRMAN: That was kept.

Mr. MASSEY: Yes. The suggestion made by Sir Joseph Ward in his letter was "that two of the new 'Bristol' cruisers, together with three destroyers and two submarines, should be detached from the China Station in time of peace and stationed in New Zealand waters." There is the suggestion, and here is the answer: "The suggestions made by you at the meeting on the 11th and recited by you in your letter to me of the same date have been carefully considered, and concurred in by the Admiralty." I think we are fairly reasonable people in New Zealand. We had no desire to be unreasonable, but on one occasion when the Defence Minister, the gentleman who is now acting as Prime Minister in my absence, visited England on financial business requiring his presence here, he at that time interviewed the political head of the Admiralty, Mr. Churchill, but Mr. Churchill gave him no encouragement and no reason to believe that there was any probability of the promise being given effect to. I am repeating in fact what was reported to the New Zealand Government, and in turn reported to the Dominion Parliament by the Ministers in power. In case I forget it later on, and as I do not want to speak at any great length, let me say now that on account of the reports submitted to the Government and to Parliament by the Defence Minister, who is still the Defence Minister, a legislative proposal was submitted to Parliament by the Government, in which they asked for authority to build one or two—I am not quite sure of the exact words as I have not the Act here—cruisers of the "Bristol" type. That was in the Session of 1913. I am not going to dwell upon that because it is of no great importance that the authority was given, but I am going to touch upon one provision which I thought at the time, and think still, from the point of view of our country, and from the point of view of the Empire, was of very great importance. It was this: The legislation of course was intended to cover not only the then date and the time we are passing through, but it was necessary in considering such a proposal that it should be made applicable, if possible, for a very long time to come, and there is a provision in the New Zealand Naval Defence Act,\* as I think is its title, to this effect: That in the case of New Zealand becoming possessed of any warships, and in case of the Empire becoming involved in war, on the declaration of war, or upon active operations being engaged in—I am only quoting the gist of the provision—then the New Zealand ships should pass automatically under the control of the Admiralty and become part of the Imperial Navy. That stands to-day, and while I do not think it is necessary really in the case of New Zealand or any other part of the Empire that such a provision should be there, still it is a very important one, and proves that when it was placed upon the Statute Book there was no desire or intention on the part of the New Zealand Government, or on the part of the New Zealand Parliament, or on the part of any section of the New Zealand community, to look forward to the time when the Dominion might, as it is very often expressed, "cut the painter." We hoped then and we hope now that New Zealand will remain part of the Empire—a rapidly growing and rapidly increasing Empire—an Empire increasing in size and influence and population, as I believe it will for centuries to come. The feeling was that New Zealand should remain part of the Empire throughout all time, and we hoped that the Empire would last until the Day of Judgment.

\* See New Zealand Act No. 45 of 1913, section 19.

Mr. MASSEY—*cont.*

Now I come to the time when the war broke out. When the war broke out New Zealand, like other parts of the Empire—we are all alike in that respect, and I am glad to acknowledge it—was exceedingly anxious to be useful in the crisis which had arisen, and to do its full duty. We notified the Imperial authorities that we were prepared to provide an expeditionary force, or to do anything else we could possibly do by way of assisting. The first request that came to us was that we should send an expeditionary force out into the Pacific to take possession of German Samoa. New Zealand no doubt was communicated with because it was the nearest Dominion to Samoa. We made preparations to comply with that request. We got together a force of between 1,500 and 2,000 men, and we provided two suitable ships to carry them from Wellington to Samoa. We had practically no difficulty. The mechanics worked night and day fitting up the ships, and at the end of ten days from the declaration of war our force was ready—and the two ships were ready—to sail out of Wellington Harbour. In the meantime the question of adequate protection had been raised for the lives of our 2,000 men, and we had to face the position, and it was this. There were several fast and, some of them, very powerful German cruisers in the Pacific, and we knew exactly what would happen if these ships got a chance at ours. At that time most of the ships which formerly comprised the Australasian Squadron had been recalled. With that we had nothing to do, and I do not suppose any objection was raised, bearing in mind the promise to which I have referred. I think I am right in saying that the only two so-called warships within reach of New Zealand at this time were two little ships called the "Psyche" and the "Pyramus." I believe these "P" class ships have a history in Admiralty matters, and even in political matters, in the United Kingdom. I do not intend to go into that matter, but what I was going to say is that these ships were called warships, though as fighting ships they were absolutely out of date. They were boats which might be useful in policing the Islands of the Pacific, but for any other purpose, such as meeting a hostile cruiser, they were out of the question. In saying that I would like to say that I became acquainted with quite a number of the officers and men on board those ships, and I know I am justified in saying that no better men and no braver men ever trod the deck of a British warship than the men who were on those ships. We knew just after the war broke out because notice had been taken that some of these cruisers were in the neighbourhood of Fiji, as their wireless was heard repeatedly during the first few days from the outbreak of the war. Fiji is within three days sail by a fast ship from the New Zealand coast, so you can imagine what was in our minds—that we did not feel very comfortable. However, in war risks must be taken, and arrangements were made that our ships were to go to Noumea, the capital of New Caledonia, and there pick up an escort, which was intended to consist of the battle cruiser "Australia" and a French cruiser. This was done, and I am glad to say our ships arrived safely. One of the "P" class ships was there too, I think, but I am not sure. That made a very strong force, and our troops got round to Samoa and took possession of it without opposition. We hold it to-day; that is to say, New Zealand troops hold Samoa to-day on behalf of the Imperial Government.

Just in passing, though it has really nothing to do with this question, I hope before this Conference comes to an end you, Mr. Long, will be able to give us a definite assurance that Samoa will not be parted with. I am not going to follow that up now, though it is a matter of vital importance to us, because its passing into the possession of Germany would mean the establishment of a naval base at Samoa, and that is what we are anxious to avoid. Very well; the Samoan expedition turned out all right, and thanks to the Australian warship the position was saved.

There are other matters connected with our difficulties in the way of getting our troops to the front on which I cannot enlarge at length, as I do not think it would be wise to do so now, but I may give you for conference a rough idea of what took place. A few weeks afterwards, what we call our main body—and we are very proud of our main body—was ready to go on board the ships, and 10 large ships, most of them New Zealand traders, such as are used to carry our meat and so on, of the type of the "Rotorua," which was torpedoed and sunk off the English coast a few days ago, were ready to carry those troops. Each large ship, if I



Mr. MASSEY—*cont.*

remember rightly, carried over 1,000 men. Orders came to put the men on board and sail. Full instructions came to us, and we complied with the instructions. Some of the ships were in Auckland Harbour and some in Wellington Harbour. We gave them an official send-off both in Auckland and Wellington, and personally I took part in both. On the night on which we placed the men on board, and after the official send-off had taken place, a very important cablegram came from a very high authority telling us it was not advisable to send the ships out, as the Pacific was not safe. We had no ships to act as escort except those two little ships to which I have already referred. Under those circumstances we decided that our ships should not go out, and that decision was come to with the full concurrence of the Representative of the Sovereign in New Zealand. Unfortunately two of the ships had sailed from Auckland. They had been at sea 10 hours when the message came to us. The Commander of the "Psyche," which was in Wellington Harbour, was able to turn them by communicating with them by wireless, and they were got back. We decided that we would put the men on shore and wait for further instructions, and, as we hoped, for an escort. Now, I am not able to give the date or dates because I have not them here, but a few days afterwards—I think the following Sunday—another message came through that the ships were to go out.

Here, of course, I am not going into particulars, because I do not think, although this is a confidential Conference to a certain extent, it would be right that I should do so, but I will say this, and I will put it as mildly as I possibly can, that we decided to communicate with the Imperial authorities in London, suggesting that there was more danger than they imagined in sending out 12,000 or 14,000 men into the Pacific practically unprotected, and I am glad to think that we were able to bring sufficient pressure to bear upon the Imperial Government to induce them to change their mind, and send an escort. They sent us an escort, and I was perfectly satisfied with it, and I say so now that everybody in New Zealand was satisfied. Arrangements were made which did not take long to make, and we had the ships down, I think, in a little over a fortnight from the time the order came. They arranged to send us a Japanese cruiser called the "Ibuki," and she was sent. I do not pretend to know a great deal about naval matters by way of describing it, but I say that so far as I have been able to ascertain she was a similar ship to what is called the British "Indomitable" class, with 12-in. guns. She was a good ship. Along with the "Ibuki" came the "Minotaur," at one time the flagship of the China Squadron, and also a good ship, but not so powerful as the "Ibuki," but quite able to deal with the "Scharnhorst" and the "Gneisenau," the two big ships we were afraid of, which were afterwards sunk off the Falklands, though not before they had done considerable damage. Here let me say that we have the best of reasons for believing that if it had not been for the presence in the South Pacific at that time of the battle cruiser "Australia" we should in all probability have had some of our coast towns bombarded by those two ships. Our men went away, and we were perfectly satisfied with the escort provided. They arrived at their destination safely. In passing let me call the attention of the Conference to this, that was the trip upon which the "Emden" was sunk by the Australian cruiser "Sydney," which in itself shows that there was considerable risk. I am willing to admit that the chances were 20 to 1, or even 50 to 1, against our ships being injured or interfered with, but there was always the one chance, and I say now in all seriousness that it was a risk which we should not have been asked to take. I have explained the situation in which we have been placed from a naval point of view, and I do say this, that I think New Zealand deserved better treatment. I am not going to enlarge upon that point either.

I now come to what should be done with regard to the future. No one can predict what the position in the Pacific will be in a hundred years from now, and in these things we have to look forward. I believe with Sir Joseph Ward that we are going to have tremendous developments in the Pacific, and I believe it after having, along with my colleague, come through the Panama Canal on our way to England, and having seen what is being done there. We know something of the productiveness of many of the islands in the Pacific, and some of them which should have been are, unfortunately, not British. We missed our chance in days gone past, and those chances will never come again, but there are great possibilities

Mr. MASSEY—*cont.*

there. Speaking of New Zealand, I believe that New Zealand will, in time to come, be the governing centre of a British Islands Federation which will consist of the islands which we possess at the present time and probably other islands which may see their way to come in and join with us. Personally I think they will, although, as far as I am concerned, no coercion is intended to be applied. I believe it is in their own interests that they should join with New Zealand. But taking the Dominion itself, I believe the future of New Zealand will be in the Southern Hemisphere, similar to what these British Islands have been in the past. The people of New Zealand cannot avoid being a great maritime people. People who know New Zealand will know that for its size it has an enormous coast-line. The islands are nearly 1,000 miles in length, irregularly shaped, and with magnificent harbours. Unfortunately we are not able to utilise some of the harbours to any very great extent, but they are there—harbours which would take in the whole of the British Fleet. With its long coast-line and its numerous harbours, and with the hereditary tendencies of the race which occupies New Zealand now and will occupy it in future, I believe that New Zealanders cannot avoid being a maritime people, and we have got to prepare for the future. We have got to lay down a definite policy as soon as possible which ought to be pursued in the future, always consistent, as I say, with the interests of the other parts of the Empire. I think it would be wise—I put this forward as a suggestion (I have not mentioned this to Sir Robert Borden previously, but it has been suggested in New Zealand on several occasions) that as Australia is particularly interested, as Canada is particularly interested, and as New Zealand is specially interested, in the future of the Pacific, in view of the point made by Sir Joseph Ward as to the huge population which is now living in countries bordering on that ocean, those three Dominions of the Empire should join with the United Kingdom itself and provide by some method (I have an open mind on the subject, and am not wedded to any particular method) a satisfactory arrangement for adequate naval protection for the British possessions in the Pacific. As I say, I am not wedded to any particular system; I do not say that I stand by the system of local navies, or by the system of an Imperial Navy, but I do say that whatever ships may be provided, whether they be provided as a part of the Imperial Navy, or whether they are built in Britain and manned by Canadian sailors or New Zealand sailors or Australian sailors, the natives of New Zealand and the natives of the other countries in different parts of the Empire should have the same opportunity of joining British warships and taking part in the defence of the Empire as the men of the United Kingdom itself. I do not think that opinion will be disputed.

There is the position I take up. I know perfectly well that we cannot make a definite arrangement now; it cannot be done this year—it is too much to expect, when most of the Imperial statesman and most of the principal officers of the Admiralty, and even most of the Dominion statesman, are occupied with other matters. Our first duty is to win this war, and so far as I am concerned I will do nothing to prevent our whole energy—every quality we possess—being brought to bear in connection with the winning of this war, because the future of our Empire and the future of our race depends upon it. We are fighting for our Empire, and we are fighting for the future of the race to-day.

I do not know that I have anything more to say on this subject, Sir, at present at all events. I hope I have expressed myself clearly. It is a subject on which I feel strongly, and I do trust that, whatever may be the representation of the Dominions in the future, we shall not go back on the present arrangement, which I look upon as only a commencement. I want to acknowledge that a particularly good start has been made in giving the Dominions the voice in Imperial matters which they are undoubtedly entitled to, but whatever may be the future in that respect, I do hope that something more satisfactory will be done in the way of providing for naval protection for the Pacific and the Dominion of New Zealand.

CHAIRMAN: I am afraid we shall not be able to finish this subject to-day.

Sir ROBERT BORDEN: The hour fixed for adjournment has arrived.



CHAIRMAN: In that case we shall ask the Admiralty representatives to be good enough to come to our next meeting, when we will continue the discussion and finish it.

Mr. CHAMBERLAIN: Would it be possible for the Conference to meet on Friday morning instead of Saturday? To some of us it would be a convenience, partly because of private arrangements, and also partly because one can deal with the week-end accumulation of work.

CHAIRMAN: I am entirely in the hands of the Conference.

Sir ROBERT BORDEN: I am quite willing to fall in with any arrangement of that kind.

Mr. MASSEY: So am I.

CHAIRMAN: I think everyone who has spoken is agreeable to our next sitting being on a Friday morning instead of Saturday, but I am not sure that we shall be able to resume this debate on Friday, for this reason, that the Admiralty would naturally like to have before them, before resuming the discussion, the statements that have been made to-day, which require careful examination and the investigation of documents, and so on, before they could deal with them. In that case I am afraid it will be impossible to get the papers circulated in time for them to deal with them on Friday, as it only allows twenty-four hours really.

Sir WILLIAM GRAHAM GREENE: I have made some notes of to-day's discussion, and if it were considered of great importance to meet on Friday we should probably manage to be ready.

Mr. CHAMBERLAIN: I do not in the least press my request as far as this week is concerned, if it would be a convenience to meet on Saturday.

CHAIRMAN: The Admiralty representatives are prepared to come on Friday if necessary.

Sir WILLIAM GRAHAM GREENE: If a full statement is required we would prefer to have the notes, but it depends on the extent to which the discussion may go.

Mr. CHAMBERLAIN: It would be a help to the Admiralty if we got that clear. I do not understand Mr. Massey to ask for a detailed reply in regard to the historical questions which he raised as to the differences between the British Admiralty and New Zealand. It was only in support of his general case that those questions were raised.

Mr. MASSEY: Quite so; but I think something should be said in reply, particularly as to what has not been done with regard to the 1909 arrangement. I would like to say further, that if there are any details which I have omitted to mention (and I have purposely kept back some of the details, as I did not think it advisable in a case like this to mention them) with which I can supply the Admiralty, I shall be very glad to do so.

CHAIRMAN: Then we will resume this discussion on Friday morning at 11 o'clock.

Adjourned to Friday at 11 o'clock.

## FIFTH DAY.

Friday, 30th March 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11 A.M.

### PRESENT:

The Right Honourable WALTER H. LONG, M.P., Secretary of State for the Colonies (Chairman of the Conference).

#### Canada.

The Right Honourable Sir R. BORDEN, G.C.M.G., Prime Minister.

The Honourable Sir G. H. PERLEY, K.C.M.G., Minister of Overseas Military Forces.

The Honourable R. ROGERS, Minister of Public Works.

The Honourable J. D. HAZEN, Minister of Marine and Fisheries and Minister of the Naval Service.

#### New Zealand.

The Right Honourable W. F. MASSEY, Prime Minister.

The Right Honourable Sir JOSEPH WARD, Bart., K.C.M.G., Minister of Finance.

#### South Africa.

Lieutenant-General the Right Honourable J. C. SMUTS, Minister of Defence.

#### Newfoundland.

The Right Honourable Sir E. P. MORRIS, K.C.M.G., Prime Minister.

#### India.

The Right Honourable A. CHAMBERLAIN, Secretary of State for India.

Sir J. S. MESTON, K.C.S.I., Lieutenant-Governor of the United Provinces.

Colonel His Highness the MAHARAJA OF BIKANER, G.C.S.I., G.C.I.E., A.D.C.

Sir S. P. SINHA, Member Designate of the Executive Council of the Governor of Bengal.

Mr. H. C. M. LAMBERT, C.B., Secretary to the Conference.

Mr. E. J. HARDING, Junior Assistant Secretary to the Conference.

### THERE WERE ALSO PRESENT:

Sir G. V. FIDDES, G.C.M.G., C.B., Permanent Under Secretary of State for the Colonies.

Mr. A. D. STEEL-MAITLAND, M.P., Parliamentary Under Secretary of State for the Colonies.

Admiral Sir CECIL BURNEY, G.C.M.G., K.C.B., Second Sea Lord of the Admiralty.

Sir W. GRAHAM GREENE, K.C.B., Secretary of the Admiralty.

Lieutenant-Colonel W. DALLY JONES, Assistant Secretary to the War Cabinet, and Private Secretaries.



## Naval Defence—continued.

CHAIRMAN: The business to-day is the continuance of what we were discussing last time plus Sir Joseph Ward's motion on the Pacific.

Sir JOSEPH WARD: May I be permitted to say regarding the suggestion by Sir Robert Borden, that I propose to ask that my Motion should read as follows: "That the Admiralty be requested to work out, as soon as war conditions will reasonably permit, what they consider the most effective scheme of Naval Defence for the Empire, for the consideration of the several Governments summoned to this Conference, with such recommendations as the Admiralty consider necessary in that respect for the Empire's future security." At this Conference, in the absence of Australia, I have a strong feeling that there ought to be unanimity of decision so far as Motions are concerned, if they are acceptable to all the overseas countries represented here; otherwise, excepting for the purposes of record, they will not be material in the future. Therefore I very readily assent to the suggestion made by Sir Robert Borden.

Sir ROBERT BORDEN: Yes, that is practically the same as I have suggested, and I have no objection whatever to the changes in the phrasing which Sir Joseph Ward has made.

Sir JOSEPH WARD: Mr. Massey is quite agreeable too.

CHAIRMAN: Sir Joseph Ward proposes to withdraw the Motion which is before the Conference and to substitute this one.

Sir JOSEPH WARD: I do not propose to withdraw it; I propose to let it stand, as under discussion, but to move this one instead.

CHAIRMAN: I think you must withdraw the one before you substitute the other.

Sir JOSEPH WARD: Very well.

Mr. CHAMBERLAIN: It remains on record; that is what Sir Joseph means.

CHAIRMAN: It is on record. I will read the Motion so that it may be before the Conference: "That the Admiralty be requested to work out, as soon as war conditions will reasonably permit, what they consider the most effective scheme of Naval Defence for the Empire, for the consideration of the several Governments summoned to this Conference, with such recommendations as the Admiralty consider necessary in that respect for the Empire's future security." Is that the pleasure of the Conference?

Mr. CHAMBERLAIN: May I say one word before you part from it? I do not know whether the other Dominions, South Africa or Newfoundland, want to say anything about it, but I want to say a word on the general question from the Indian point of view.

Mr. MASSEY: I understand the Motion is still before the Conference, it has not been withdrawn?

CHAIRMAN: Yes.

Mr. CHAMBERLAIN: We should, of course, heartily welcome an inquiry of the kind suggested by Sir Joseph Ward in the Motion he has just moved. We should like, however, to call attention to the rather peculiar circumstances of India. India has made, as the Conference is aware, what, compared to her resources, is a very large contribution to the general cost of the war, and she alone of the Dominions has a very heavy military expenditure in peace time amounting, with the charges on the 100 millions which she has just undertaken to bear, to more than half of her total revenue. In addition to the great military force which the Government of India keeps up directly, there are also the Imperial Service troops maintained by the Native States. This great Army supplied, as I mentioned the other day, the only immediately available striking force outside the United Kingdom on the outbreak of war, and, of course, might afford very material assistance in certain contingencies which I think Sir Joseph Ward had in his mind; owing to the central position of India for operations in the Pacific the Indian Forces might be of great value in such circumstances.

## Mr. CHAMBERLAIN—cont.

Having regard to the facts, as previously stated by me, the Government of India, in offering their contribution of 100 millions, expressed the hope, though without making anything in the nature of a stipulation or bargain, that this gift would be taken in full discharge of her liabilities in respect of the present struggle, and that His Majesty's Government would not expect an increased Naval contribution from her, but would, as in the past, extend the protection of the British Navy to the Indian coasts and the Indian seas.

I thought it necessary, Mr. Long, just to place that brief statement on record, and to state that we heartily support the Resolution which Sir Joseph Ward has just moved in the form in which he has moved it.

CHAIRMAN: Then is it the pleasure of the Conference that the amended Resolution shall stand for adoption? (*Agreed.*) Then we will resume the discussion. I gather that the position is this, that the Conference are ready to hear what the Admiralty has to say.

Mr. MASSEY: If there are no other speakers.

CHAIRMAN: That is the question I ask, whether the Conference are ready to hear the Admiralty.

General SMUTS: Yes, I thought the Admiralty were likely to touch on some of the points which were raised by the Delegates, especially Mr. Massey, who referred to some incidents of the past which required elucidation. With regard to the Motion before us, Mr. Long, I could scarcely have agreed to the original Motion as moved by Sir Joseph Ward for various reasons. The first part of that Motion referred to a general principle of policy which I think we should not have referred to in the absence of Australia. Australia is the only part of the British Empire besides these Islands that has a Navy of its own, and Australia has a specific bargain with the Admiralty as to the control of that Navy in peace and war. I do not think we should lay down any general policy which might affect Australia in her absence from this Conference. But Sir Joseph Ward has withdrawn that, so that that difficulty does not now exist.

With regard to the other matter, I think that the Motion as now framed by Sir Joseph Ward is a much better one. The Motion now calls upon the Admiralty to place before us a memorandum at some future date, at the convenience of the Admiralty, and according to the time at their disposal, outlining future Naval policy for the Empire as a whole, and the various parts of the Empire. There is no doubt that the present war necessitates a reconsideration of the whole question at some future date. The Navy has come very brilliantly out of this great struggle. Of course, the whole of the war practically depends on the supremacy which the British Navy has maintained on the seas, but there is no doubt that there are other features developing in connection with sea power. The enormous force which has been developed by the submarine weapon, for instance, seems, in my opinion, to necessitate a reconsideration of the whole scheme of Naval Defence for the British Empire as a whole, and I have no doubt that it will be most useful before we come to another Conference in future to have before us the considered views of the Admiralty on any changes which may be necessitated by recent developments.

I thoroughly agree with the Motion in its amended form as moved by Sir Joseph Ward.

Sir EDWARD MORRIS: I would like to add my support also to the Motion that is now before the Conference.

CHAIRMAN: Does any other member of the Conference desire to make any remarks before we hear the Admiralty statement? Admiral Sir Cecil Burney is here, representing the Admiralty.

Admiral Sir CECIL BURNEY: The Admiralty think it would be quite impossible during the continuance of the war to work out with advantage any scheme for the future Naval Defence of the Empire. Until the war is quite at an end, it would be impracticable to form any reliable conclusions as to the strength and composition of the force which might be required, the expenditure which will have to be incurred, or the scheme of distribution which might be considered desirable. The



Admiral Sir CECIL BURNEY—*cont.*

conditions obtaining after the war may vary in very important respects from those obtaining now, and even if the officers of the Admiralty had the time to work out a scheme of Naval Defence on present data, a great deal of the labour would probably be thrown away. It may be presumed, also, that similar arguments would appeal to the Governments of the Dominions as well as to the Home Government. No doubt each of them will have to consider the position at the end of the war from the point of view of being applicable to the circumstances. Before the Admiralty embark upon an inquiry such as is suggested, it would be desirable for them to know the general principles which would govern the policy of the various Dominions after the war. It is unfortunate that the Australian Government is not represented at the present Conference. Looking however at the matter from the point of view of the Admiralty, it would be important that any scheme of Naval Defence should be based on the principle of common organisation and training and the distribution of effective force in a manner best adapted to the requirements of defence as one whole. The Admiralty freely recognise that when a formal agreement has been made with a Dominion, such as that of 1909, it is very undesirable that important changes should be made without full communication and discussion. The Admiralty assume that when the scheme which may be prepared has been fully considered by the Dominions concerned a Conference will be assembled when the details could be threshed out by the Admiralty in direct consultation with representatives of the Governments concerned. It would obviously be impracticable to negotiate any important agreement by means of correspondence only.

General SMUTS: I think that is a very important statement, and I understand from Admiral Burney that before the Admiralty considers itself able to work out a scheme like that, it would like to have the views of the Dominion Governments as to what scheme they would like for their local defence.

Mr. MASSEY: Is that what you really intend, Admiral?

Admiral Sir CECIL BURNEY: And what schemes they propose. Some provide ships now and some provide money.

General SMUTS: I think that is a very important point—that at a certain stage before the Admiralty does formulate its views . . .

Admiral Sir CECIL BURNEY: We want to know the general basis.

General SMUTS: The Dominion Governments might express their opinions as to what they are likely to do.

Mr. MASSEY: That is not in accordance with the Resolution.

Admiral Sir CECIL BURNEY: I know, but I have only seen the Resolution this morning.

Sir ROBERT BORDEN: It is not the Resolution.

Admiral Sir CECIL BURNEY: We cannot do anything during the war.

CHAIRMAN: That is the Resolution. The words of the Resolution are "work out as soon as war conditions will permit."

Admiral Sir CECIL BURNEY: As soon as the war is over we will do that; we are perfectly prepared to do that.

Mr. MASSEY: Will the Admiralty comply with the Resolution, and prepare a scheme, even if the preparation is prior to the meeting of a Conference at which the representatives from the Dominions would be able to express their opinions upon what might be required for the purpose of the Naval Defence of the Empire?

Admiral Sir CECIL BURNEY: Certainly, we will do that, provided we know what the Dominions are going to do.

Sir JOSEPH WARD: I do hope that the representative of the Admiralty will convey to those associated with him this very material and, indeed, this very vital point:

Sir JOSEPH WARD—*cont.*

the oversea countries are all separate. We have our individual ideas in those countries as to what we may conceive to be best adapted for the purpose of the general preservation of the Empire, but up to now we have never had the considered view of the men who are responsible at the Admiralty, for the protection of the whole of the interests of the Empire. Now, if, as I understand from you, the Admiralty are going to wait to get a scheme from the several parts of the Empire independently, then, with all due deference to you or to the Admiralty, they are going to establish a position of chaos. What we want to know in our country, and what, I think, probably all the others want to know also, is what Naval Scheme the men of experience at the Admiralty consider best suited to defend the Empire as a whole, locally and generally.

With all due deference to my friend General Smuts, I do not believe it is possible for any of us, as far as our respective countries are concerned, to give a coherent proposal with the essential financial backing of it until we know what, in the aggregate, the Admiralty considers is essential for each separate part of the Empire to do. If we are to go away from here under the impression that, when the war is over the Admiralty, in its own good time, will devote itself to suggesting what is best for the Naval Defence of the Empire, after it has waited for the Dominions to give it piece-meal proposals, then I would just like to say that we cannot work in co-operation, and there can be no cohesion between us in the ordinary sense of the term. If we are to be in the position of preparedness when the next Conference takes place here, we ought to know what is the Admiralty's view. We would then be in a position to tell our respective Governments the concrete or general views of the British Naval Authorities, so that we could go back to our own people and decide what course we should take. I think Mr. Massey will agree with me on this point—and I am leading up to it to show the importance of it—that if we went away from here, as far as our country is concerned, and there was no decision arrived at, and no hope of showing what the Admiralty considered the best scheme for the defence of the Empire, if we propounded a scheme of Naval Defence in our country we could not hope to have that or any other scheme put into operation until we got the authority of our Parliament, and our Parliament would be in the position of hesitating, in the absence of any general proposal from the only source in the world which can give us the most effective proposal, and that is the Admiralty, and we would be in the position of coming here again and waiting for a further Conference to take place, perhaps a few years afterwards, before we could discuss intelligently any proposal for the general defence of the Empire as a whole.

I want here on this point to confirm what Mr. Massey said, that it is vital, in my opinion, when the War is over (I quite recognise it cannot be done in war time) that the Admiralty should view the altered circumstances, and they should have no hesitation in stating definitely their view as to what they conceive to be best. The time has long passed by, in my opinion, when the Board of Admiralty should not be prepared to say what they think the Empire as a whole should do for naval defence purposes. It is for Canada, for South Africa, Australia, New Zealand, Newfoundland, and India, to carefully consider the question in connection with the local environment and conditions and the local aspirations of the people in their respective countries, with a view to determining what can be done in order to fit in with the general scheme which the Admiralty says is best for the Empire as a whole.

There are bound to arise, when we have the Admiralty scheme, all the difficulties of trying to do what may appear to be necessary from the standpoint of our respective countries. I hope, therefore, that the Admiral and the Secretary to the Admiralty, who are here, in connection with this amended Motion now before the Conference, and which is accepted by all the countries, will not go away under the impression that we want to wait for individual suggestions as to what the future Naval policy should be. We want to put the horse before the cart and have the Admiralty's advice first, to enable us collectively, and, in our respective countries, individually, to go into the general proposition that the Admiralty may conceive to be best. Otherwise anything we are doing here is perfectly useless.



Sir JOSEPH WARD—*cont.*

I do not want at this juncture to take up the time of the Conference further upon the point, but I am persuaded that the Empire requires reconstruction in many very important ways, and probably the most urgent alteration of the future concerns our system of Naval Defence. I take the opportunity, therefore, of endeavouring very earnestly to draw attention to the importance that I think should be attached to the position as it stands at the moment. There should be no uncertainty on the point as far as the Admiralty is concerned as to the views of the Conference in asking them in their own good time after the war is over to give this Conference (and that means to give the British world) the benefit of their views on this very difficult, very complex, and, I think, extraordinarily essential matter of the future Naval policy for the whole of the Empire and for the individual Dominions, and the Motherland.

CHAIRMAN: I do not know whether the Conference are quite clear themselves, but I confess I am a little in doubt as to what is the exact point at issue. I understand the Admiralty to have expressed their willingness to produce a scheme of Empire Naval Defence.

Mr. MASSEY: After we have told them what we want.

CHAIRMAN: May I finish? The Admiralty have expressed their willingness to produce a scheme of Empire Naval Defence, but they ask before they produce their scheme that they shall receive from the various Dominions their views as to their particular requirements, in the first place, and, in the second place, what they are prepared to do from their own point of view. Mr. Massey and Sir Joseph Ward ask that the Admiralty shall produce their scheme without waiting.

Mr. MASSEY: Yes.

CHAIRMAN: Without waiting for any recommendation from the Dominions. I am not clear whether that means that the Admiralty are to produce what they regard as the most effective Naval Defence system for the Empire, treating the whole Empire as if it were a common pool to be drawn upon by the Admiralty in Whitehall without regard to the particular views or the particular inclinations of each particular Dominion. As the Conference has been reminded, Australia stands in the position of having a Navy of her own. Well, surely in any scheme which the Admiralty propose they must know whether that is still the view of Australia, or whether the Australian Navy is to be merged in an Imperial Navy which they can use as they like. I should have thought (I only throw it out as a suggestion) that the two proposals, the proposal of New Zealand and the proposal of the Admiralty, are really not destructive the one of the other, but that both could proceed simultaneously, the Admiralty preparing their general plan of defence from the scientific naval point of view, and the Dominions considering, first of all, what they require for their own purpose of defence and, secondly, what is the method they would prefer by which they would give their assistance to the general scheme, and it does not seem to me that any delay would result from that; on the contrary if you wait for the Admiralty scheme, that would then have to be discussed in your Dominion Parliaments, and surely that would involve a delay; but if the Dominion representatives adopted the suggestion of the Admiralty and considered for themselves as soon as they return what they really require, and, so far as they are prepared to do it, what they are willing to do, the two plans ought then to be considered together when the next Conference meets from the various points of view. I daresay I am very stupid and that I am suffering under a difficulty which my colleagues do not suffer under, but I find a good deal of difficulty in accepting the suggestion that the Admiralty proposal is totally inconsistent with the recommendations made by New Zealand.

Admiral Sir CECIL BURNEY: That was our view.

Mr. CHAMBERLAIN: If I may say so, I think you have described the situation very clearly, Mr. Long, but I think though the point of difference is not a very large one, it is of some consequence, and I will try to put again in slightly different

Mr. CHAMBERLAIN—*cont.*

language the same point which I think has already been put by Sir Joseph Ward, in order to bring out what the particular importance of it is. Operations of war require co-ordination (that impressive word) more than anything else. They require centralised control. You may have that absolute or you may have it partial, but, at any rate, when you are conducting a world war, the only person who can reasonably plan all the different campaigns in co-ordination with one another, and in due proportion to one another, is somebody sitting at the centre in whom all information is centred. Now the same thing is true of preparing a scheme in time of peace. If we invite each Dominion separately to formulate its own ideas, each Dominion is bound to look at its own particular part of the world, and it has not the material for forming a view on the whole. The only people who can formulate a policy for the whole are surely the Admiralty. They are the only people who have the knowledge to bring together all the factors on which judgment depends. I am afraid, therefore, if you start by inviting each Dominion to say what it thinks should be done, you start from the point of maximum divergence. No two plans probably would be consistent with each other, and it would be extremely difficult to reconcile them afterwards. If, on the other hand, you start from the central point of view, *i.e.*, from what the Admiralty say is best (and possibly the Admiralty could also suggest a second best, which is not in their opinion so good, but is capable of meeting perhaps the views of particular Dominions), at any rate you would start from that point where the whole comes into perspective instead of starting from half a dozen different points which have nothing or very little that is common between them.

I would urge, therefore, in support of what Sir Joseph Ward has said, that the Admiralty should not wait to be told by each Dominion what it considers the Naval problem is, or how it would like to make its contribution to it, or what that contribution should be, but that the Admiralty should try, if they can, at the proper time to state the needs of the Empire as a whole, to put everything in its proper perspective and position, and give us what in their opinion with their great experience is the best method to meet the problems of Empire, and then invite the Dominions to consider whether they can fall in, or how far they can fall in, with the scheme so proposed by the Admiralty. I think you are much more likely to arrive at some unity of action and some really sound common principle if you start in that way than if you first ask each Dominion to formulate separately its own ideas of policy.

Sir ROBERT BORDEN: I appreciate what has been said by Mr. Chamberlain and by Sir Joseph Ward, but I think we must not put out of sight the difficulty with which the Admiralty is confronted. I have no doubt that the Admiralty may sometimes have had difficulty in getting from the British Government the full measure of support which it would desire for the purposes of Naval Defence. The proposal now is that the Admiralty should prepare a scheme, for the approval of, not one Government but of several Governments, and the Admiralty might very naturally say that any scheme, however useful, which they may prepare will in the end be of no advantage unless they obtain the consent of each of the several Governments concerned. I think, therefore, that the situation may have to be approached from two points of view. It is perfectly possible, I imagine, for the Admiralty, if they assume that the British Government and all other Governments concerned will carry out precisely, or in effect, whatever the Admiralty proposal is, to say what in their judgment would be necessary for the common defence of this Empire; but if they prepare a scheme of that kind, of what advantage will it be if some of the Governments concerned are not prepared to carry out that part of the programme which they are invited to undertake by the Admiralty's proposal? Perhaps it would be best for the Admiralty, in the first place, to give a general outline of what is necessary for the common defence of this Empire, leaving to further discussion and consideration what part in that programme shall be undertaken by each Government. If that is feasible from the standpoint of the Admiralty it would be carried out in a confidential way, because, of course, each Government must be prepared to submit those proposals to Parliament, and to obtain the approval of Parliament before that particular part of the programme can be effectively carried out. I recognise the force of what has been said, but at the same time I do not think we should overlook the difficulties which confront the Admiralty in



Sir ROBERT BORDEN—*cont.*

undertaking to carry out such a proposal. It may be necessary before Sir Joseph Ward's resolution is effectively carried out, that there should be a general outline in the first place of what is necessary for the common defence of this Empire, and a confidential submission of that outline to each of the Governments with a view to ascertaining whether or not that programme is of such a character that it can be proceeded with in full confidence that each of the Governments concerned will be prepared to do its part.

Mr. MASSEY: I think, Mr. Long, the position has been put very clearly from the respective points of view both by Mr. Chamberlain and by Sir Robert Borden. There is some confusion no doubt which I think ought to be cleared up, and personally I can see very little difficulty in arriving at an understanding on the very important point in dispute.

As I understand it, the position is this: The Resolution asks, prior to anything else being done, for an expression of opinion from the Admiralty as soon as war conditions will permit, which is practically at the end of the war, upon what they think is likely to be the best system or the best scheme of Naval Defence for the future. That is what the Resolution is asking for. The Admiralty on the other hand take up the position that before anything in that way is done, or before they express an opinion from the point of view of the whole Empire, each Dominion, through its representatives, either at a Conference or otherwise, should express its opinion so as to assist the Admiralty in arriving at a conclusion. I am not quite clear about the latter point, but that is the way I understand it. Now, there is something to be said on both sides of the question, but I would suggest this: If this information we are to get from the Admiralty sooner or later is to be of any value, we ought to get it, and the representatives of the Dominions ought to be in a position to discuss it and consider it as soon as it is possible to do so. I think it is practically certain that it will be necessary for the representatives of the Dominions to come to London, either at the end of the present war, or, it may be, before the end of the present war. I am thinking now of the promise which has been made to the different Dominions, that before peace is concluded with the enemy the Dominions will be consulted. I take that to mean that they will be consulted, not by cable, which would be a very unsatisfactory way of doing important work such as that, but that they will be consulted in London, in the heart of the Empire itself, or perhaps some centre in Europe. On that point I am not able to express an opinion. Now I would suggest, looking forward to the presence of the Dominion representatives in London, that the Admiralty scheme should be ready to submit to those gentlemen while they are here. I do not mean it should be submitted to them as part of a Peace Conference or anything of that sort, or as part of the business in connection with discussing the negotiations for peace. I am not referring to that, but of advantage being taken of the presence in the heart of the Empire of those representatives to consider these very important proposals along with the Statesmen representing the United Kingdom.

Personally I want to go back to a point I mentioned when I was speaking previously, and this is not exactly a New Zealand matter—this is an Imperial matter. There are many people of opinion that the Pacific will in all probability be a storm centre in the future. That may be so. At all events it is exceedingly important from the point of view of the Empire as a whole, and from the point of view of the Dominions bordering on the Pacific, that we should have some satisfactory scheme of Naval Defence, so that we may be able to defend ourselves—again I am speaking for the Empire and not for the Dominions altogether—in case of serious trouble coming along. I am not able to suggest for the moment where trouble may come from, but we all know, and the lessons of this war have led us to believe, that trouble may come to us very unexpectedly and from an unexpected source, and I think it is our duty as men entrusted with the management of the public affairs of the Empire to prepare for whatever may happen. I am leading up to an opinion I expressed the other day, and that is that so far as the Pacific is concerned (and if things go wrong there they will go wrong in the whole of the Empire) it should be the business of Canada—I have not heard any definite expression of

Mr. MASSEY—*cont.*

opinion from Sir Robert Borden, and I am not asking for it if Sir Robert Borden or his colleagues are not prepared to give it—and the business of Australia and the business of New Zealand along with the Imperial Government itself to make provision which I think is absolutely necessary for the defence of the younger nations in the Pacific. That in my opinion should be a part of the Imperial scheme and a very important part.

The point has been raised, and I have no doubt it has occurred to every one of us, that some of the Dominions think the proper thing to do, as Australia has done, is to provide their own ships and their own men. Others, again, think the proper thing to do is to provide an annual contribution of a certain amount of money for the purpose of finding the warships which are certain to be required in the future. Here again, I think, comes in the value of what we are asking from the Admiralty, because they may be able to put forward reasons in support of either one scheme or the other, and it may be possible that some of the Dominions have not been able to make up their minds up to the present. I do not think those two opinions, if they exist, ought necessarily to clash, and personally I do not think they do. What we ought to get from the Admiralty is, I think, this—how many ships and how many men will be required within the next 5, 10, or 15 years for the proper defence of the Empire.

Admiral Sir CECIL BURNEY: That is an absolutely impossible thing to say at the present moment.

Mr. MASSEY: Even for five years?

Admiral Sir CECIL BURNEY: We do not even know the state our Navy will be in at the end of the war yet.

Mr. MASSEY: We are not asking for this until the war comes to an end. I quite agree with the opinion expressed by the Admiral. We do not ask for this until the war comes to an end. I quite understand that it is impossible for the Admiral or anyone else to say what the Naval strength of the other countries of the world will be in five years after the war—I am quite willing to admit that—but we shall know what our own naval strength will be, and we are all anxious (and we know how important it is from the Imperial point of view) to maintain the supremacy of the Imperial Navy. This is the object we have in view. We do not think of any particular Dominion or any particular country of the Empire, but we are anxious to maintain the Imperial supremacy which Britain possesses at present, and which we hope it will possess for all time.

General SMUTS: May I make a suggestion, Mr. Long? I think both points are correct, and are admitted, and it seems to me we are on common ground. On the one hand there should be a general co-ordinated scheme for Naval Defence, and the Admiralty is the only body which can help us about that. On the other hand, there are local points of view. We heard one of them urged very strongly at the last meeting, when Mr. Massey and Sir Joseph Ward trounced the Admiralty for certain actions of the Admiralty with regard to an agreement with New Zealand. So that there are local points of view; and what I fear is this, that if the Admiralty works out a scheme in abstract, so to say, the best possible scheme for the Empire, we may find when we come to the Conference, that that scheme is objected to by Australia on the one hand for a local reason, and by New Zealand on the other hand for another local reason, and so on. The suggestion I would make would be this, that the Admiralty after the war, when they come to consider this general scheme and are drawing it up, should consult the Dominion Governments in regard to the parts affecting them. It may be that the Admiralty will say, "Well, as regards New Zealand this will suit us, or that will suit us," and the course is agreed to by New Zealand and the other course not; and if they could be consulted as to your scheme at that stage, then the Admiralty could work out the general scheme afterwards and lay it before the Conference in due course. I think when the scheme is being drafted by the Admiralty they should consult the Dominions, and the Dominions would make suggestions as to their local points of view, which might or might not be agreed to by the Admiralty, and in that way a proper scheme might be drawn up. I understand that is the suggestion of Sir Robert Borden.



Sir ROBERT BORDEN: It is really in general outline, and then it could be ascertained whether the Dominions were prepared to do their part in working it out.

General SMUTS: Yes.

Mr. MASSEY: Do you suggest, General Smuts, when you say that the Dominions will be consulted, that the Dominion Governments should be consulted, or the Dominion Parliaments, in each case, because the two things are separate?

General SMUTS: That is a domestic question. We always go to our Parliament, and I daresay you do too, but the Colonial Office would consult the Dominion Government and would say: "The Admiralty says with regard to South Africa that we think this is the best scheme; what are South Africa prepared to do in connection with the question of facilitating or giving some suggestions with a view that something practicable may be worked out with regard to South Africa?" If that is arrived at, of course Parliament would be consulted. It is only by a certain elasticity and a certain amount of negotiation that you would get a workable scheme. We have had that experience before. The Admiralty has always had the idea of one unified Naval control. The Admiralty have been consistently beaten as far as Australia is concerned, and they may be so again. I do not know what Canada is going to do. There has been a great diversity of opinion as to what should be the right policy, but I think Canada should be consulted about it when the general scheme is going to be framed, because that is the best way of arriving at any workable scheme for the whole Empire.

I think Sir Joseph Ward's motion is the correct one; we can pass that, and when it is passed, at the proper time, the Colonial Office will consult the Dominion Governments as to how the scheme affects the Empire, and how far they will assent to the suggestions of the Navy with regard to it.

Sir WILLIAM GRAHAM GREENE: May I suggest one point, Sir? With reference to what General Smuts has said, I rather gathered from his earlier remarks that his idea was that the Admiralty should communicate with the Dominion Governments after they had prepared their scheme.

General SMUTS: When they were preparing it.

Sir WILLIAM GRAHAM GREENE: Before it reached the point of perhaps the final Memorandum which is to be communicated to all the Governments officially.

General SMUTS: That is so.

Sir WILLIAM GRAHAM GREENE: Your last remark seems to me to point to the Colonial Office being made the intermediary of those earlier negotiations.

General SMUTS: When I speak about the Admiralty and the Colonial Office, I mean the same thing. While the scheme is being prepared by the Admiralty, at that stage they should consult the Dominion Governments; and after that consultation, which can be done either at a meeting in London, as Mr. Massey says, or by correspondence if necessary, then formulate your final scheme which is laid before the next Conference.

Sir WILLIAM GRAHAM GREENE: I quite agree, Admiral, that probably would meet the views of the Admiralty.

Admiral Sir CECIL BURNEY: Quite.

Sir WILLIAM GRAHAM GREENE: There has been a difficulty felt at the Admiralty in deciding whether at the end of the war they are to assume that the views of the various Dominions with regard to their contribution to Naval Defence would be the same as they are now. If the Admiralty may assume that, so far as the present representatives of the Dominions are concerned, they can say that the existing arrangements may be considered to hold good, then the Admiralty would proceed on that assumption; that is to say that certain Dominions at present provide funds for the Imperial Exchequer with which ships here are built and provided, and in other cases the Dominions provide and maintain ships themselves. I am not sure whether South Africa is agreeable to that.

General SMUTS: South Africa is quite prepared to revise all their old ideas on the subject; the war, no doubt, has made a great change in our position.

Mr. MASSEY: Just let me say one word on the important point which has been raised, before you speak, Mr. Chamberlain, and it is this. The Admiralty asks whether they are entitled to assume (that is how I understood it, at all events) that the different Dominions are in favour of the present arrangements standing. I would just like to say that I do not think they are entitled to assume anything of the sort. That is not what we are asking for at all. I am not prepared to say what the opinion of our Dominion is, I do not express any opinion upon it, but I would like to say this, that I hope when this thing comes before the different Governments, or the different Dominions of the Empire, it will be raised above and beyond anything in the way of Party. This is a matter which should not be looked at from a Party point of view. If the Admiralty is going to assume that we stand by present arrangements, it is no use asking them for an opinion at all, except as to the number of ships required. We will ask them for an opinion on that very point. I am sorry to have interrupted you, Mr. Chamberlain.

Mr. CHAMBERLAIN: I was only wanting to say that it is quite conceivable that there may be an existing arrangement which is shown by experience not to work. It may be that the Dominion concerned still desires to maintain it and will not part with it, but surely in reviewing the situation the Admiralty ought to be at liberty, indeed is bound, to point out the inconvenience of the one system, and to say: "It would be better to do it in this way, and if you prefer to do it in that way then we shall propose, so and so." The Admiralty are not obliged to give the Dominions only one possibility; they may put before them alternatives, and say: "If you are prepared to co-operate in this method, then this is our scheme, and that is the method we think the best. If, on the other hand, the method does not commend itself to you, you will then co-operate in this other way, which would necessitate such and such changes in the scheme."

Admiral Sir CECIL BURNEY: Would both of your methods provide the necessary personnel?

Mr. CHAMBERLAIN: That is one of the things to be considered. I cannot frame a scheme for you, and you have to ask the different Dominions. I think you have to put alternatives before them as to contributions of money, or of ships or of personnel, or any two of them in combination.

CHAIRMAN: Is there not another thing you have to ask them: will not each Dominion be obliged to say not only what contribution they prefer to make and in what form they would prefer to make it, but also what is to be done for them in respect of the provision they make, because we know in the past there have been all sorts of questions? I remember when I had the pleasure of being in South Africa there was a big controversy raging there over the removal of ships from Cape Town and Simons Bay. There is, of course, a possible question there, and that seems to arise in every case. That is why I thought it was essential that there should be, as General Smuts suggests, simultaneous communication between the Admiralty and the Dominions, so that each should know what it was required to work out.

Mr. CHAMBERLAIN: We cannot ask the Dominions very fruitfully to state what they are prepared to do without giving them any knowledge of what the problem is. You have first of all to tell them what does the mastery of the sea involve; what do we require in order to provide protection throughout the Empire? Then you would give them some idea of how that is to be done. Then you are in a position to say, "Does this satisfy you as regards the protection afforded to your particular quarter of the world? And, in the second place, in what way are you prepared to come into this general scheme?" Then you carry your scheme a step further. I think General Smuts is quite right that there must be communication with regard to the Admiralty scheme.

General SMUTS: Yes, I want the Admiralty suggestion, before putting into final form the suggestions of the Dominion Governments, for consideration.

Sir ROBERT BORDEN: Or at all events an outline of it.

Sir JOSEPH WARD: I want on this point of the proposal, as far as the Admiralty is concerned, to express my personal view. I do not want the Admiralty to base any proposal upon what the contributions in the future are



Sir JOSEPH WARD—*cont.*

to be from any of the oversea countries. When we know from the Admiralty what they believe to be best for the Naval Defence of the Empire, it is for the respective countries to decide whether they are going to be contributors to a local navy or a general navy scheme; or contributors of money in the absence of providing ships for a local navy or whether they will assist by providing ships for the general navy. That is for them to consider afterwards. If the Admiralty is to consider the question, for the purpose of giving us information for guidance in all our countries, on the hypothesis that New Zealand will only give 100,000*l.* a year, or whatever the present basis may be, and that South Africa may give 250,000*l.* a year, or whatever the present basis may be, that, in my opinion, is useless. At the present moment what we have all to recognise (and I think I am right in saying it) is that the British Empire is too big for the present navy as the result of our experience in this great War. That the navy has protected the British Empire and saved the British Empire in every respect is beyond all question, but there is no thinking man in public life in our countries who will to-day say that the British Navy is big enough for the British Empire. It is not—that is incontestable—and if the British Navy is not big enough to meet the requirements of the British Empire during the great war, then the point to consider is, what do the British Admiralty, who have, so far, so successfully and so brilliantly done all that is necessary with the means at their command, conceive as the result of the experience in this war to be necessary for the growth of the Empire and for the protection of the Empire in all parts of it? I want to make it quite clear here that the absence of Australia, although regrettable, does not in any way whatever require to be considered from the point of view of deciding what we are asking the Admiralty to do. It is for Australia, as it is for each of the other Governments whose representatives are here, in the event of the Admiralty submitting a proposal to them, to consider it from the local point of view and from the Empire point of view. If it should not meet with the approval of the Government or of the Parliament, or of the people of Australia and the other oversea Dominions, it could not be put into effect. I, for one, would not be a party to doing anything at this Conference which was inimical to the interests of the great Commonwealth of Australia, owing to the absence of a representative from Australia at this Conference; but it does not in any way weaken the position from the point of view of asking the Admiralty to tell us what they think is necessary for the purpose of the naval defence of the Empire. As Mr. Massey has said, and I confirm it, from my point of view, I, for one, am absolutely dissatisfied with the existing condition of things for peace times as far as New Zealand is concerned, as far as the great interests in the Pacific are concerned, and as far as the general naval requirements for the protection of all parts of the Empire are concerned. I am not satisfied, and I believe nobody is. I believe, if you went to the Admiralty and to the Board responsible for the control of the navy and for the protection of the destinies of the British Empire at the present moment, they would tell you that they are not satisfied with the present condition of things. It is not possible for them to be so. Now, what I want to prevent, if possible, is any loss of time after the war period is ended. I want, with all respect to General Smuts, to say this: If the local requirements with regard to the navy are to take precedence of the general view of the Admiralty for the protection of the British Empire as a whole, then, in my opinion it is putting the cart before the horse. If we know what the view of the Admiralty is, we can in our respective parts consider whether it meets the conditions locally that we require to provide for. If it does not, it is clearly the course of the Governments in the different parts of the Empire to point out wherein they could not assent, and at a future Conference the local differences that come into conflict with any portion of the main proposals of the Admiralty for the defence of the Empire as a whole, could by mutual concession and by mutual arrangement be adjusted. I have not raised the question as to what the naval policy is to be, and I want to make that quite clear. I have my own personal views, as all men have, as to the best system, but when it is a question of comparison with men of experience whose professional work it is, and whose life's work it has been, I do not put my opinion for a moment against

Sir JOSEPH WARD—*cont.*

theirs. I have not raised the issue of any Imperial navy, as against the suggestion of a local navy; I have not raised any question as to any powers of Australia in connection with its aspirations for the continuation of a local navy, and I have not intended any suggestion of the kind, because I think we ought to keep away from it. But I do recognise that the expansion of our Empire is so huge, and the course of the war is teaching us such great lessons, and such bitter lessons in many ways, that we have got to approach this matter with new ideas, and we must have the benefit of the experience of the men at the Admiralty, to guide us to a decision as to what is best from the local standpoint, and also from the Empire standpoint.

I do not propose to deal further with the matter unless something further arises. But I would like to take the opportunity of saying, that I personally concur, and I think everybody at this table fully concurs in the remarks that Mr. Chamberlain made in regard to India. India has done so magnificently in connection with this war that I should be sorry, when the time arrives for the consideration of anything further that is necessary for the naval protection of the Empire, if any attempt were made in connection with forcing any extra obligations on that great portion of the Empire against the will of its representatives.

Mr. HAZEN: Mr. Chairman, I would like to say very briefly, that I agree almost wholly with the arguments which have been advanced by those members of the Conference who have held that it is desirable at the close of the war that a statement should be prepared by the Admiralty, giving their ideas as to the most effective course to be taken for the Naval defence of the Empire. We all know that the whole problem and science of Naval warfare is changing, and has changed, and, as the result of this war, will change, to a very great extent. The problems in connection with submarine warfare, with aerial warfare, and with other matters to which practically no very supreme importance was attached at the outbreak of war, will be matters which will have to be dealt with in any future question as to Naval defence. It seems to me, that when at the close of this war the different parts of the British Empire meet together through their representatives for the purpose of considering this question of Naval defence, as they will have to meet to consider it, it would be of the very greatest possible advantage and importance to them that those who are specially charged with Naval affairs (it is the Admiralty I am referring to) should, from the experience which has been gathered as the result of the present war, submit to any such Conference their views as to what would constitute the most effective means of Naval defence so far as the whole Empire is concerned during the future years. It might not be for very many years, because conditions will change from year to year, but still, having regard to the experience of the war, they could state what in their view is the best possible means that can be taken for the Naval defence of the Empire as a whole, including the outlying portions of the Empire. Of course, I take it for granted that the one desire of all portions of the Empire is that in any scheme of Naval defence the Navies that are constituted by any of the outside Dominions shall be as available for any other portion of the Empire as they are for the defence of that Dominion with which they are specially connected, and by which they have been provided. It seems to me that if the authorities at the Admiralty bring their experience and their knowledge to bear and prepare a scheme of that sort, while I have some doubt whether the scheme would be adopted in its entirety, because there are local considerations which naturally would have to have certain weight, yet I think it would be of great value and would have a very great effect on the deliberations of any Conference which came together for the purpose of considering the question. With that scheme before a Conference, with the members of the Conference having in their minds what the different Dominions they represent will be prepared to do, knowing the local considerations which will be of importance, and which have to be considered, it seems to me that having that general outline of a scheme and the opinion of the Admiralty as to what is best to be done for the Empire as a whole, it would be very much easier to get down to an effective scheme for Naval defence than if no such opinion and no such proposal is placed before the Conference in the first instance.



Mr. HAZEN—*cont.*

With all respect, I would desire to say that it seems to me that in preparing a scheme it will be a very difficult matter for the authorities at home to do that by correspondence when it will affect the different local considerations that will arise from time to time, and the only thing would be to submit such a scheme for the consideration of the Conference which would come together for the purpose of considering the proposal which is made. Different questions will naturally arise, and one question which will arise seems to be the very broad question, should there be an Empire Admiralty, a Board on which there will be representatives not only of the British Isles, but representatives of the overseas Dominions as well, who from the general standpoint of the Empire will administer naval affairs? Of course, if such a plan as that was agreed to, there would have to be worked out a scheme for representation on it of the different Dominions which are aiding in naval defence. That is one thing which it might be very well worth while to do in connection with a proposal of this sort. There are many other things which naturally occur but which it would be a waste of time for me to refer to to-day. I simply mention it for the purpose of emphasising what has been said by others as to the very great desirability of having the matter in the first place thought out by those who are probably best capable of thinking it out, for the purpose of formulating a plan to be put before the Conference which must consider naval affairs in the future, which Conference will, after consultation the one with the other, no doubt be able to evolve a scheme which will meet with the general concurrence of the Empire, and at the same time not run counter to the local ambitions and desires of the different Dominions overseas.

CHAIRMAN: Does any other member of the Conference desire to offer any observations? Sir Cecil, are you satisfied?

Admiral Sir CECIL BURNEY: Quite; I understand the point. I am satisfied.

CHAIRMAN: To accept the resolution as proposed by Sir Joseph Ward?

Admiral Sir CECIL BURNEY: Yes.

Mr. MASSEY: I hope, when the Admiralty formulate the scheme which will be later on submitted to the Conference, they will not forget to give us a definite expression of opinion as to the necessity, or otherwise, as they may consider it, of what I call for the want of a better name an Imperial navy in the Pacific, or a branch of the Imperial Navy in the Pacific.

CHAIRMAN: Shall I read the resolution moved by Sir Joseph Ward in order that you may have it before you before I formally put it? "That the Admiralty be requested to work out as soon as war conditions will reasonably permit"—that is understood to mean when the war is over?

Sir JOSEPH WARD: Certainly.

CHAIRMAN: Would it not be better to say so definitely, "when the war is over"? If the resolution were published, would it lead to any misapprehension, and if we mean when the war is over should we not say so?

Sir JOSEPH WARD: I have no objection to put that in.

CHAIRMAN: It is as well to be quite clear: "when war conditions will reasonably permit" does not of necessity mean when the war is over, and it might mean some temporary cessation. Would it be better to put in "immediately the war is over"?

Sir JOSEPH WARD: I accept that.

CHAIRMAN: What words would you like: "immediately after the termination of the war"?

Admiral Sir CECIL BURNEY: Immediately after the conclusion of the war.

CHAIRMAN: Sir Joseph Ward wants to emphasise the necessity for prompt action.

Sir JOSEPH WARD: Yes.

CHAIRMAN: "Immediately after the conclusion of the war."

"That the Admiralty be requested to work out, immediately after the conclusion of the war, what they consider the most effective scheme of naval defence for the Empire for the consideration of the several Governments summoned to this Conference, with such recommendations as the Admiralty consider necessary in that respect for the Empire's future security."

[AGREED.]

Now, will you go on with your resolution with reference to the Pacific. You have not given a notice of resolution.

#### The Pacific Question.

Sir JOSEPH WARD: No, but I propose to raise a discussion. I will give notice of the following motion, and perhaps the Conference may be willing to discuss it now: "That this Conference, in view of the experience of the present war, calls attention to the necessity of developing the capacity of production of naval and military matériel, munitions, and supplies in the Dominions possessing seaboard on the Pacific and Indian Oceans, and affirms the importance of close co-operation between them and the United Kingdom with this object in view."

I give notice of the motion, not with the object of discussing the future naval policy or anything of the kind, although anybody is welcome to do so, if they wish, but I want to take the opportunity of putting on record my view of what the Pacific means, a matter which I think not many people fully realise. Some members of the Conference are familiar with the conditions of the Pacific, I know, but I have met many people who have no notion of what the Pacific means at the present moment. I take the opportunity of moving the resolution, which is non-committal in connection with munitions and military supplies in those countries which are concerned with the Pacific, so that we may have before us the whole situation. Possibly, after the matter has been discussed here, it may in some form, directly or indirectly, have a bearing on the other important matter that we have just been discussing. I give my notice of motion.

#### Earl Grey's Scheme for a Dominion House in Aldwych.

Mr. MASSEY: I am waiting for some material on another subject. As I explained, formally or informally, the proposal is really one of Earl Grey's, who was formerly Governor-General of Canada, and who is very much interested in this proposal. He is ill at present and away from London, but his son called upon me a few days ago and asked me whether I would care to bring forward his father's proposals and get an opinion from the Conference as to whether they were feasible or desirable, or whether the representatives of the Dominions thought that something ought to be done in the matter. In view of the very important past Imperial services of Earl Grey, and the importance of his proposal, I thought the proper thing to do under the circumstances was to extend the courtesy to him which he asked for. I will bring it up when I get the information.

#### The Pacific Question—continued.

CHAIRMAN: This is the motion which Sir Joseph Ward brings forward for future discussion: "That this Conference, in view of the experience of the present war, calls attention to the necessity of developing the capacity of production of naval and military material, munitions, and supplies in the Dominions possessing seaboard on the Pacific and Indian Oceans, and affirms the importance of close co-operation between them and the United Kingdom with this object in view." I presume it is the wish of the Conference that that be put on the list of subjects for future consideration. I thought we would have had a discussion on this question without a resolution and that that would have taken up the rest of our time, because otherwise there is no other business.

Sir ROBERT BORDEN: Would it not be possible to have the discussion without the resolution, because, after all, it is very largely a matter for the Dominions themselves to decide?

General SMUTS: Is it not desirable, Sir Joseph, that we should first have a general covering of the ground?



Sir JOSEPH WARD: Very well, I will withdraw that in the meantime if the Conference will permit me. I have for years taken a great deal of interest in the matter and I think there ought to be something on record.

CHAIRMAN: We might begin on it to-day.

Sir JOSEPH WARD: I will be glad to do so, and if necessary the further consideration of it can be postponed. I will hold the resolution over in the mean time.

Sir ROBERT BORDEN: We can have a discussion on it as a subject.

#### Naval Defence—continued.

Mr. MASSEY: I want to ask the representatives of the Admiralty, before we go on to this question, do they propose to say anything in the way of explanation of what has taken place as between them and New Zealand on the subject of naval defence—the points I raised the other day?

Admiral Sir CECIL BURNEY: About 1909?

Mr. MASSEY: Yes.

Admiral Sir CECIL BURNEY: I considered I made a little apology for that, did I not?

Sir WILLIAM GRAHAM GREENE: Do I understand that you wish the Admiralty to give additional explanations to those which were communicated to your government in 1913. In fact there was one letter which was sent both to the Australian Government and the New Zealand Government to which we had no reply. We imagined that the subject generally was going to be discussed at the Conference, which, owing to the War, had not materialised.

#### The Pacific Question—continued.

CHAIRMAN: Would you like to have Sir Cecil Burney present at the discussion on the Pacific, Sir Joseph?

Sir JOSEPH WARD: I think so, Mr. Long. I want to express the opinion that in connection with the Empire as a whole there is no question of greater importance than that of the Pacific, and the position of the Pacific, and its relations to the Empire as a whole.

In putting before the Conference information regarding this matter no one can dogmatise regarding it, and I doubt very much whether any person can lay down a definite and acceptable policy to meet the widespread interests of the British Empire. It is the greatest ocean theatre to-day, and I am not reflecting, either directly or indirectly, upon anybody in the past in connection with British administration of the Pacific, but I think history will show clearly that there have been no interests connected with the Empire anywhere that have been so neglected as the interests in the Pacific. Possibly a want of general knowledge in years gone by of possible developments and potentialities may have led up to some of the decisions which were given, and which have certainly proved to be very injurious in the past, and would be injurious in the future if they were allowed to continue or if some of them were not in some material way abrogated. I have in my mind at the moment the time when both the public men and the people of Australia and New Zealand were very deeply concerned in concessions which were given of interests in the Pacific considered by them as vital, and I will allude to those in the course of the remarks I am about to make.

I want, in the first place, to put on record the general position of the Pacific at the moment so that anyone who is considering it from the point of view of the Empire may be aware, in concrete, at all events, of what those interests are. To the ordinary traveller on the Pacific Ocean going *via* the United States of America or from Vancouver, the territories in the Pacific, which are of very considerable importance, have been very little known indeed, but the Pacific Ocean is rapidly becoming the chief ocean highway of the world, and the process is being hastened enormously by the completion of the Panama Canal. Since I have been in London I have been in conversation with men of high standing here in the shipping and commercial world, in the financial world, and in the social world, who

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have been eager to obtain information as to what the development of the Panama Canal may mean to this country, to the British Dominions away in the Southern Seas, and, indeed, to territories, Canada among others, which in their relative distance from various places where a huge trade is being carried on are in a different position now to what they were prior to the opening of the Panama Canal. Here, I think, I should say that anyone who believes that the Panama Canal is not going to be easy of access for the largest ships in the world is labouring under a very great mistake. The engineering skill of the representatives of the United States which has the controlling power in connection with the Panama Canal is such that any of those disabilities which have arisen through landslides in the Culebra Cut, or in connection with the ordinary navigation of the canal, will be put completely behind and overcome by the methods they are adopting, and the alterations they are making to ensure that the deepest draught ships in the world may use the Canal. To-day there is only one ship in the world, and that is a ship not belonging to the British Empire, that is a little too wide to pass through any one of the locks that form part of the whole Panama Canal system. The opening of the Panama Canal is a matter of the greatest importance, and it is one that we all require to look at from the standpoint of it making tremendous developments—I believe far greater than the developments brought about by the opening of the Suez Canal, which is the highway to the East. The Panama Canal is very much shorter than the Suez Canal—it is 51 miles across—and it will carry ships of as deep a draught as those which trade with any portions of the overseas countries or any other part of the world from this Old country. Therefore, this connection by sea bringing the Atlantic and the Pacific Oceans within 51 miles distance of each other, is going to help to make the Pacific interests to which I am about to allude of greater importance than they have ever been in the past (and they have always been of a most important character).

The growing importance of the Pacific is due to the political and economic expansion of the nations, which continually need fresh outlets for population and trade. Looking to the way in which the various nations in the past have competed for these outlets the question of the future mastery of the Pacific has to-day, in my opinion, become one of the most important of international problems.

There is a writer in a book entitled "Problems of the Pacific," published in 1912, Mr. Frank Fox, who puts on record (though his prediction in one respect at all events was not borne out), very briefly and very effectively, and in a better way than I could do, what he regarded in 1912 as the future of the Pacific. He says, "The Pacific is the ocean of the future. As civilisation grows and distances dwindle, man demands a larger and yet larger stage for the fighting out of the ambitions of races. The Mediterranean sufficed for the settlement of the issues between the Turks and the Christians, between the Greeks and the Persians, and who knows what other remote and unrecorded struggles of the older peoples of its littoral. Then the world became too great to be kept in by the Pillars of Hercules, and fleets—in the service alike of peace and war—ranged over the Atlantic. The Mediterranean lost its paramount importance, and dominance of the Atlantic became the test of world supremacy. Now greater issues and greater peoples demand an even greater stage. On the bosom of the Pacific will be decided, in peace or in war, the next great struggle of civilisation" (that is the point where I say his view has not been shown to be borne out by events), "which will give as its prize supremacy of the world. Shall it go to the White Race or to the Yellow Race; if to the White Race, will it be under the British flag or the flag of the United States, or of some other nation? That is the problem of the Pacific." And I re-affirm my opinion that that is the problem of the Pacific at the present moment in view of all these developments and improvements and facilities made available for the future working of the Pacific from this country and other countries, because although we cannot all be maritime portions of the Empire we are all dependent to a very large extent upon our sea supremacy or sea power upon ocean transit and what that implies for the future so far as the Empire is concerned. The problem (and I will try to make it clear without any offence to any country in the East before I have finished) is well set



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out by Mr. Fox when he declares that it depends upon the question as to whether the White Races or the Yellow Races are to predominate in the Pacific in the future.

Now, I want to take the opportunity of showing what is comprised in the Pacific. The Pacific Ocean is bordered on the west by the Asiatic Continent and on the east by the American Continent. Almost contiguous in the extreme north, these two continents are separated only by Behring Strait. The further one moves south, there is an ever-widening expanse of ocean, dotted with thousands of islands, varying in size from continental dimensions to those of isolated rocks. I call attention to the fact that practically the whole of these islands are in the Western Pacific. The nearer one approaches to the American Continent the more deserted does the ocean become so far as islands are concerned. Anyone who has crossed the Pacific from either Australia or New Zealand, and particularly by the last route which has been opened up through the Panama Canal (the way Mr. Massey and I came to this country), must be impressed, as we were, by the complete absence of islands of any kind after you get a thousand miles from New Zealand. From there, right until we got practically in sight of Panama, we never saw an island of any kind. Bordering on the Pacific Ocean, we find China and Russia, Canada, the United States, and the South American Republics, the Western Pacific Islands, Japan, Australia, and New Zealand; and then there are the Dependencies in the Western Pacific that belong to those countries to which I have just referred (Japan, Australia, and New Zealand); and other nations which have dependencies in the Western Pacific are the United States, the British Empire, Holland, and France. These are the countries that have possessions in the Pacific at the present moment. Before the war Germany had certain possessions in the Pacific, and, as is well known, they have been taken by Japan, by Australia, and by New Zealand, and they are being administered by those countries. Then, in the Eastern Pacific the United States has the Hawaiian Islands and part of the Samoan Islands. Briefly, that is the position of the islands that are named as the dependencies of the different countries that have the greatest interest in the Pacific at the present time.

I am not going into the history of the transformation that has gone on since 1291 right down to the time when Germany and France got recent possessions in the Pacific; but I want to say that at the end of the 'seventies there was still a number of unappropriated islands in the Pacific which were the centres of activity for English, French, and American missions. In the early 'eighties, as a result of the commercial and industrial expansion and competition of the nations amongst themselves, there was then a rush for colonies amongst the Great Powers. All the large territories in the Pacific were already taken up, but the islands themselves were made the subject of keen competition, and it was from 1890 to 1900 that Germany, France, and the United States all acquired territory.

Here, I want to say that evolution has gone on in the meantime, and I think that the fine position, if I may so put it, that exists between the Colonial Office as representing the British Government and the oversea countries, brought about through the vice-regal representatives, has rendered impossible in future the indifference with which the appearance of those foreign Powers in the Pacific was viewed by Great Britain in the past. This indifference (and I will demonstrate it, before I have finished, from actual records) by the then authorities, was viewed not only with considerable alarm, but with great uneasiness by the colonists of both Australia and New Zealand, who were not in a position to defend themselves against foreign aggression close to their shores. The people overseas held the view at that time, particularly prominent public men of all ranks in those countries, that the entire control of the Western Pacific should be exclusively in the hands of Great Britain. That was evidenced at the time when Germany seized the north-east portion of New Guinea, because Queensland immediately seized the south-eastern portion, and the British Government then, only under considerable pressure from Australia, was forced to acquiesce. The Western portion of the Island has been held by the Dutch for half a century.

Fiji, which had been colonised from Norfolk Island, was proclaimed a Crown Colony in 1874. I am not going to say what ought to be done, in the opinion of those who take an interest in the matter, concerning Fiji; that is a matter for separate

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consideration, which does not require to come up here. The Union, Edlice, Hervy and Tonga Islands in Polynesia; Gilbert Island in Micronesia and several isolated islands came under British protection, and were annexed from 1870 to 1892.

There is one thing to which I would direct attention, I do not reflect on anybody in connection with it, but there has been a system going on of territories in the Pacific passing over to companies for various purposes, and I doubt very much whether that would be looked on to-day as the best thing either for the Islands concerned or for the Empire. In 1882 the British North Borneo Company took over the north of that Island. In 1889 Labuan was handed over to the company. Then Brunei and Sarawak came under British protection.

In 1894 in New Zealand (and I speak with some knowledge of the matter, because I was a member of the Administration at the time) there was the strongest effort made to have Samoa brought under a protectorate.

Sir ROBERT BORDEN: How far is Samoa from New Zealand?

Sir JOSEPH WARD: It is only three and a half days' steam at the outside; with a modern steamer it could be done probably in three days. The strongest representations were made at that time, in view of the determination of Germany to have that island, against the proposal being put into effect, and the late Mr. Seddon, who was at the head of the Administration to which I have referred, wrote as follows: "Some definite action of a forward character is required in the Pacific at the earliest opportune moment, for the surrender of Samoa had disheartened the natives in the islands, disappointed the people of Australasia, and lowered the prestige of Great Britain in this part of the world." As a matter of fact, we made the strongest representations that the islands should not be taken over at that time, but our representations were not heeded. The fine territory of German Samoa was vital to the future of the British Empire, as it practically overshadowed New Zealand and Australia. It offered one of the best places in the Pacific for a coaling station, and had excellent facilities for docks. It would have provided a naval base in the Pacific Ocean quite close to Australia and New Zealand, which were vitally concerned in keeping that portion of the Pacific clear, at least, of possible enemy countries.

Sir ROBERT BORDEN: What is the area of Samoa?

Sir JOSEPH WARD: It is a large island, but I do not think I have the area here.

Mr. MASSEY: It is a group of islands partly owned by the United States of America.

Sir JOSEPH WARD: They have a base there. At the time I am referring to I held the office, amongst others, of Colonial Secretary, and I put in the strongest memorandum it was possible for a Minister to put on record about the position; and the late Mr. Seddon made strong representations, and yet the Islands passed from our control. The New Zealanders, as Mr. Massey has already stated, have now taken possession of German Samoa, and we will display the very strongest opposition to any suggestion that this territory should revert to the enemy.

Mr. MASSEY: Or any possible enemy.

Sir JOSEPH WARD: Of course, or to any possible enemy. What I mean is that they must remain British. I will read a statement made by Mr. Seddon. It was almost the last public statement he made, and I mention it because he was a man of great force and a man of very sound judgment, and a man who looked ahead. One of the last public utterances he made on the eve of his departure from Sydney to New Zealand in 1906 was in connection with the very latest action of the British Government in connection with the territory which is held now in conjunction with Britain by a friendly Power, and the view he put on record publicly at that time is worth repeating and recording on this occasion. The Anglo-German Convention of 1900 ceded the principal Island of the Samoan group to Germany. Mr. Seddon dealt with the New Hebrides question in the following words: "The Commonwealth and New Zealand Governments are incensed at the Imperial Government Conference fixing conditions of dual protectorate in the New Hebrides, without first consulting the Colonies so deeply interested. The Imperial Government calls upon us now for



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advice upon what is already decided, making our difficulties very great. The entire subject is of vital importance to the Commonwealth and New Zealand. We ought to have been represented at the Conference." (History is repeating itself.) "If anybody had been there for us who knew anything about the subject, the result would have been very different. Whoever represented Britain, French diplomacy was too much for them. I cannot honourably say anything further. My hands and tongue are tied by the Imperial Government, but I wish I had the power of Joshua to make the sun stand still." The view held by Mr. Seddon at that time most people recognised was the right one, that the people mostly concerned with the territories ought to have been consulted, and if their advice had been taken the result might have been different. In that case, at any rate, the Home Government would have had the benefit of the views of the men in Australia and New Zealand who were directly responsible to the people in these countries who were all anxious to have the conditions in the Pacific kept as free from complications as possible.

I want to give one more quotation from an Admiral who has written about the Pacific, and written with a good deal of force about it. I refer to Sir John Colomb. He says, "The voices that call for real British unity are drowned by the shoutings for constitutional rights reverberating throughout the Empire from one self-governing State to another. Until a current of thought turns back to its old British channel of willing sacrifice in the discharge of duties to the Empire, the British future in the Pacific Ocean will probably be found, at no distant date, to rest upon the good nature of the United States or the tender mercies of Japan."

I would like to say a word or two in connection with those great interests which are represented by Japan, the United States, France and Great Britain. Since they are friendly Powers with whom we are generally associated, I do not wish to comment adversely on the policy in relation to them in any way whatever. I merely put it on record to show that the sentiment I have described is one of the underlying feelings that our people had in years gone by in regard to the Pacific, and it very largely dominates in their minds to-day the view they entertain of the policy which should be adopted to preserve these islands in the future as between what one may call races that are very dissimilar in many ways.

In the case of the United States, apart from its Pacific seaboard, it possesses in the Pacific, the Hawaiian Islands with the port of Honolulu, a part of the Samoan Islands east of 171 degrees west longitude, with the magnificent naval and coaling station of Pago Pago, ceded in 1872, occupied in 1898, and since fortified; and the Philippine Islands, acquired as a result of the war with Spain. They have to-day all the force and wealth possible to what one might call an organised China (I do not make comparisons between America and China to the detriment of America; quite the contrary) or a fully developed Australia. The American Pacific Coast presents a great contrast to the Asiatic Coast. The latter, studded with islands and archipelagoes, is very fertile and possesses huge rivers. The American coast, on the other hand, facing the Pacific, is marked by mountain chains, and it possesses few harbours—the only two of any importance in a coast-line of 1,500 miles being San Francisco and Puget Sound. Further north, in British Columbia, there are several large and good harbours. California, Oregon and Washington have a large trade in the Pacific, and the ports of Seattle and Tacoma are growing rivals (I do not say they will succeed) of Great Britain and Japan.

The Dutch founded their East Indian Colonies in the 16th century. In 1602 the Dutch East India Company was formed, which conquered and ruled these colonies for nearly two centuries. Since the dissolution of the company in 1798, the colonies have been ruled from Holland. These colonies consist of Java and Madura with the outposts of Sumatra, Borneo, Rian Lingga Archipelago, Banca, Billiton, Celebes, the Mulucca Archipelago and the small Sunda Islands, and the western half of New Guinea. The total area of these possessions is 735,000 square miles, and the total population approximately in 1912, 48 millions, of whom 80,910 are Europeans.

France has New Caledonia, which is about 800 miles east of Brisbane with an area of 7,650 square miles. Originally it was a penal settlement, but

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there have been no convicts sent there since 1896. It has a population of 13,138 free citizens, 5,671 convicts, and 28,075 blacks. On the 1st January 1915, the population of convict origin numbered 2,895. I am not going into the productivity of that portion of the country; it is in the hands of a friendly power against whom we have no objection to make, and with whom we are in cordial co-operation, and I hope we always will be. The New Hebrides I have already referred to, which are administered under condominium by Great Britain and France. The French establishments in Oceania consist of the Society Islands, the most important of which are Tahiti and Moorea, and the Marquesas Islands, the two largest of which are Nukahiva and Hivava. They have also the Tuamotu Group, consisting of Gambier, Tubuai, and the Rapa Islands.

Before this war, the Germans possessed New Guinea and Samoa in the Pacific. The former was known as Kaiser Wilhelm's Land, which has an area of 70,000 square miles, and the Bismarck Archipelago, which has an area of about 20,000 square miles. They also had the Caroline and Palau or Pelew Islands with an area of 500 square miles, the Solomon Islands, which are 4,200 square miles in area, and the Marshal Islands of about 500 square miles. The Samoan Islands are 600 square miles in area.

The population bordering on the Pacific I referred to the other day total roughly 700 millions. Here I want to call attention to a map which is attached to a book which I presume most people will have read, "The new project of the Commonwealth." It is one of the best maps I have seen indicating what one might call the places where the sea washes the rocks of the various territories in the Pacific. There requires to be taken in conjunction with it the Indian Ocean, because to a very large extent the wash of the Pacific goes back and meets and becomes part and parcel of one ocean between those countries, as that map indicates. It is a very remarkable thing to my mind that of that 700 millions of people the Chinese Empire has about 385 millions. That leaves 315 millions:—Manchuria and Eastern Siberia, 10 millions; Japan and Formosa, 48 millions; Dutch East Indies, 35 millions; British Borneo, 2 millions; Indo-China, 22 millions; the Straits Settlements and Malay Peninsula, 2 millions; Korea, 10 millions; Siam, 5 millions; the Philippines, 8 millions; Australia, New Zealand and the Pacific Islands, 6½ millions; South America, 60 millions; the United States, 100 millions, and Canada, 7 millions. I want to draw attention to the fact that out of those respective populations, when you come to look at the overseas dominions by name, the combined populations of the whole of them shrink into almost nothingness compared with any one of the populations of the great territories that impinge on the Pacific, and the future of the Pacific necessarily involves protection from some of these huge populations which may become our enemies in the future. In any case we are bound to regard the position from the point of view of our attachment to this Empire, and the necessity of something being done to ensure a sound policy being carried out as far as the Pacific is concerned.

Sir ROBERT BORDEN: You have given five millions as the total population of Canada.

Sir JOSEPH WARD: No, Canada's population is nearly nine millions.

Sir ROBERT BORDEN: I think you said five millions.

Sir JOSEPH WARD: The latest statistical figures I could obtain showed seven millions. In comparison to the whole it is immaterial.

Sir ROBERT BORDEN: It is nearly eight millions.

Sir JOSEPH WARD: Between Canada, Australia, New Zealand and South Africa the combined white population is about sixteen millions, and if you put the total of those populations against any one of the great countries bordering on the Pacific, one is impressed with the huge population of one country particularly that I have just referred to. I have thought it desirable to put that on record, because I believe that we want to have before us, in some form or another, what the interests are, apart from our own, which impinge on the Pacific, and by inference what the necessity is for something to be done to ensure the preservation of the smaller interests. The



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British holdings and the British interests in the Pacific far outweigh the combined holdings actually in the Pacific itself of the islands and possessions of any other country. But that does not detract from the holdings and the power which may develop in the future of those other countries with huge populations which are really washed by the Pacific Ocean.

I would sum up the position in this way. To-day the only Powers outside Great Britain possessing islands or territories in the Pacific are all friendly ones. In addition to Great Britain there are the United States, France and Japan, and, among the neutral countries, Holland. The interests of Great Britain and the Dominions in the Pacific, in my opinion at all events, are paramount. Australia and New Zealand are both amongst the territories; and South Africa, which presents a front to the Atlantic and Indian Oceans, cannot be excluded as a territory which is vitally interested as far as the Pacific is concerned.

It can hardly be regarded as being egotistical on my part to say this, although it might be regarded as not being specific, but I believe the interests of the Pacific are so vital to the interests of the British Empire that they require to be considered now. I do not say that this question should be settled now, but it requires to be considered now, with a view to having a defined policy for the preservation and protection of the interests we have in that huge ocean, and I do not think any time should be delayed in connection with it.

As to how it is to be done I do not express any opinion now, but I have no hesitation whatever in saying that if we are to look after British interests in the Pacific, we require to have a strong naval power permanently available for the Pacific. Whether it is to be a Pacific Squadron, owned and controlled by Canada, Australia or New Zealand, or whether it is to be a Pacific squadron owned on behalf of the British Empire is, from the point of view I am placing before the Conference at the present moment, immaterial. To-day, the power of the grand old British Navy, has been put into operation to protect the very vitals of the Empire. We are in the happy position of working in harmony with the United States, France and Japan at the present time, but if any foreign hostile Power had a powerful navy available at the present moment, or, that friendly Power which has done so much in connection with helping us during this war by giving us part of its fleet to protect our interests in the Pacific, were obliged under the stress of war to place its ships within its own territorial waters, all those vital interests, or the larger portion of them, in the Pacific Ocean would be in this position: either the Home authorities would have to weaken the Grand Navy for the purpose of sending units out to protect the interests of the Pacific, or we would be at the mercy of some opposing Power, unless we had the friendly assistance, as we have at the present moment, of another Power which has a great navy.

In my opinion we are getting close to the time when something of a practical nature should be done. It seems to me that with the growth and development of our possessions, independent of anything that may be done for Australia, Canada, New Zealand or South Africa in connection with future naval policy, we must have harbours available for whatever fleet or fleets may be stationed in the Pacific. It is also necessary to have permanent coaling stations and up-to-date docks. If that is not done, any auxiliary naval power that may be in the Pacific in the future, or any portion of the British Navy, or of the Empire Navy, or a local navy, will be so far from a base that they will not be able to run the distances required for the purpose of obtaining accessories in connection with the carrying on of naval warfare or restoring any damage that might be done if they have great enemies in close proximity to them right in the heart of the Pacific itself. For that reason I suggested the idea that we should consider whether the military and naval equipment should not be undertaken by those countries that have already done so much, particularly with regard to the military necessities. But none of them up till now, as far as I know, has made preparations for that. We know what Canada and Australia have done, but none of them, as far as I know, has up till now found it necessary to have constructive works for the provision of naval guns and naval equipment. The protection of the Pacific in the ordinary sense of the term, is not going to be fully provided for, or anything like adequately provided

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for, I should say, whatever Powers join together in having the requisite naval forces, wherever they may be, from our own coast or the other oversea Dominions, unless adequate provision is made of the kind I have referred to.

At the Conference in 1909, at which I was present, Mr. Alfred Deakin, of Australia, discussed this question very largely from the Australian standpoint and indirectly from the New Zealand standpoint. There can be no doubt that the interests of the Pacific are immediately important to us. I have not come across one public man of any standing in New Zealand, in Australia, in Canada, in South Africa or in this country, who has followed the evolution going on during the last 25 years, who has not told me with great sincerity that he regards the Pacific Ocean as the place that in the future will be, in all probability, one of the great factors in deciding upon the sea, whether the British Empire is to hold the predominant position it occupies to-day, despite the fact that there are undeveloped at the present time large portions of those territories, and we should by the only process obtainable set to work to become strong enough to maintain our position.

I want to say, without taking up the time of the Conference any longer, that as far as the Pacific is concerned, we should arrive at some common understanding (it cannot be done hurriedly, and I do not suggest that any one of the countries concerned should accept obligations of any kind that they are not prepared on their own account voluntarily to assent to) by which we should by degrees prepare for the time when there will be permanent naval defence available for the Pacific. In all probability, as is the case now, with the concurrence of the Governments (although in our country it is quite automatic and it comes into operation without the concurrence of the Government there), in time of war the whole naval force and the whole naval power will be available, and under the direction, for the preservation of the Empire, of the central authority here in a time of stress and difficulty. If we could arrive at some basis upon which we could gradually get to the position of providing for the naval equipment of vessels that happen to be there, then I would look forward personally with great hope to the time when with the advice of the British Admiralty as to what they believe to be the necessary future naval power for the Empire as a whole (with the undoubted right to each of the oversea countries, considering any proposal at that time, to decide whatever course they conceive to be in the best interests of their countries as their local autonomy is not suggested to be interfered with, nor would any of us be parties to it) we should arrive at some decision by which we would in our own way be able by degrees to undertake to provide, so to speak, the naval forces that are required.

I believe that if we were to move slowly and effectively in the direction of doing what we can, to make provision for equipment in that direction, we would show the whole world that we were determined that the Pacific was not to be neglected in the future, and we would be indicating, in the only practical and effective way possible, our pre-determination to be ready for any eventuality. In any case, even if we thought troubles would arise on the sea in the future, it would show our common interest and determination in the matter of protecting our interests. The French, the Japanese, and the United States of America are all animated with friendship towards the Motherland at the present moment, and the higher duty or responsibility of maintaining that *entente cordiale* between the whole of them devolves upon the Home Government. There is a big responsibility with regard to the Powers who are friendly to us, and the continuance of their friendliness is, I think, more likely to be cemented by the losses which some of them have suffered and which we have suffered in connection with this great war.

There are men who know as much and more about this subject than I do, but I have been greatly impressed by it for many years, and if it were possible to put on record in connection with these proceedings, the map which I have in my hand, I think it would show very simply what huge interests the British Empire has at stake in the Pacific and bordering on it. It does show that tremendous British interests are held in the Pacific and which might increase in the future—no one can tell—and it conveys the lesson, to my view, of the necessity for moving cautiously, but moving effectively, with a view to being prepared for any emergency that may arise.



Sir JOSEPH WARD—*continued.*

Whatever may be the outcome of the next Conference, and whoever may be present at it, there cannot be a doubt that the opening of the Panama Canal and the development of traffic through it to the East, the development across the Pacific through the Panama Canal, the growing commercial interests that are growing fast in the Pacific, and the diversion of a tremendous amount of traffic from this country which will go through the Panama Canal, and the fact that a friendly country can get from one side of the Canal to the other in four or five hours, all points to the fact that we cannot afford to allow the possibilities of the Pacific to remain in abeyance, but we require to approach the matter from the standpoint of the future preservation of our interests in that part of the world with which we are so much concerned.

I do not apologise for having taken up so much time. The subject is a great and most important one. I wanted to put on record what I look upon as the general position in the Pacific, so that at least anyone who is not familiar with the Pacific, at some future time may, should he require it, have the matter in a concrete form before him.

#### Order of Business.

CHAIRMAN: I am sure nobody will complain of the length of Sir Joseph Ward's remarks, because they have been of great interest, but it is quite obvious that we cannot continue this discussion to-day. I think there are advantages in that, because it will be printed and circulated, and we can resume it at a later date, when the Conference will select a date for that purpose. The Conference, I hope, will adhere to the arrangement for taking the Board of Trade questions at our next meeting.

#### Communication of Proceedings to Australia.

Here is the telegram which I told the Conference I would send to the Commonwealth of Australia: "Confidential. I am arranging to telegraph to you, for the information of your Prime Minister, Resolutions passed by Imperial War Conference, while desiring to keep your Prime Minister informed of the progress of the work, is of opinion that all the Resolutions should be kept confidential until the date decided on for common publication."

#### Order of Business (*continued.*)

In connection with that I should tell the Conference that yesterday a telegram was brought to me which had been stopped by the Censor. It appeared to me and to my advisers to convey information, a great deal of which it was considered undesirable to be conveyed from here at present in regard to our proceedings, because the Conference had already decided that the proceedings are to be strictly confidential, and I am sure they would agree that with regard to information which looks as if it came from some authoritative source, whether that be so or not, it would be most undesirable that statements of that kind should get into the papers professing to give a record of our proceedings, a record, I may say, which had a great deal of accuracy as well as some inaccuracy about it.

Mr. MASSEY: By whom was that telegram sent?

CHAIRMAN: By a private person in London.

Mr. MASSEY: With regard to our proceedings?

CHAIRMAN: Yes, purporting to give information as to the general situation here. I thought it my duty to stop that telegram, and of course I shall stop any subsequent one.

Sir JOSEPH WARD: Every one will rightly be censored and, where necessary, stopped.

CHAIRMAN: The Censor sends them to us. We are naturally running great risks, because we have masses of papers and a great many people coming and going, and naturally discussions outside these rooms as well as in, must take place, so that it is not to be wondered at that information gets out; but I am quite sure the Confer-

CHAIRMAN—*continued.*

ence will support me in my endeavour to secure completely confidential relations. I think it is vital to our proceedings, at all events until we come to a common Resolution as to any particular matter or matters.

Will you be good enough to decide this. A Minute from the Prince of Wales will be circulated very shortly to the Conference, which will be invited to consider proposals for the establishment of a body charged with the upkeep of the graves of the Empire's soldiers who have fallen in the theatres of war. If the Conference agrees to what is proposed, it is most desirable that this body should begin its work at the earliest possible date. I think, therefore, if the Conference agree, I should be glad to ask them if it is their pleasure to take this discussion to-day fortnight, which is the earliest day available. The reason for fixing a definite date is really this, that I am sure you would desire to have a statement from General Ware, who has been charged with all this work in France since 1915 when the first steps were taken. He can not only tell the Conference what he has done, and what has been done on this most important question, but he can also explain the whole history of this Minute as nobody else can. As he has to be constantly in France visiting the graveyards there and looking after them every week, and as he has to come back on purpose, would the Conference be good enough to agree to take it on this day fortnight.

I do not think it need take long or interfere with other business. It really covers to a large extent the Notice of Motion handed in by the Prime Minister of New Zealand, subject only to the reservation of a part of the Gallipoli Peninsula. If we could take it, then I think it would not take very long, and it is important for the reasons I have given.

Mr. MASSEY: Does that paper come in connection with my Motion.

CHAIRMAN: I am afraid it will not come in connection with your Motion. I must put the Prince of Wales' Minute as a Minute from the Prince of Wales and his Committee, but it will raise the question your motion deals with, and the two can be taken together.

Mr. MASSEY: Then it will not take away the opportunity from me.

CHAIRMAN: Oh, no.

Mr. MASSEY: To be perfectly candid with you, Mr. Long, and the Conference, I may say that General Ware came to see me about what you have just mentioned in confidence, and he gave me to understand that he looked upon the matter as one of considerable importance, and there could be no objection to it.

CHAIRMAN: None whatever. What they have done, with the exception of Gallipoli, is in entire accord with your Motion. Will it be your pleasure to take this matter this day fortnight?

[AGREED.]

Adjourned to Monday next at 3 o'clock.



## SIXTH DAY.

Monday, 2nd April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 3 P.M.

## PRESENT:

The Right Honourable WALTER H. LONG, M.P., Secretary of State for the Colonies (Chairman of the Conference).

The Right Honourable Sir ALBERT STANLEY, M.P., President of the Board of Trade.

*Canada.*

The Right Honourable Sir R. BORDEN, G.C.M.G., Prime Minister.

The Honourable Sir G. H. PERLEY, K.C.M.G., Minister of Overseas Military Forces.

The Honourable J. D. HAZEN, Minister of Marine and Fisheries and Minister of the Naval Service.

*New Zealand.*

The Right Honourable W. F. MASSEY, Prime Minister.

The Right Honourable Sir JOSEPH WARD, Bart., K.C.M.G., Minister of Finance.

*South Africa.*

Lieutenant-General the Right Honourable J. C. SMUTS, Minister of Defence.

*Newfoundland.*

The Right Honourable Sir E. P. MORRIS, K.C.M.G., Prime Minister.

*India.*

The Right Honourable A. CHAMBERLAIN, Secretary of State for India.

Sir J. S. MESTON, K.C.S.I., Lieutenant-Governor of the United Provinces.

Colonel His Highness the MAHARAJA OF BIKANER, C.G.S.I., G.C.I.E., A.D.C.

Sir S. P. SINHA, Member Designate of the Executive Council of the Governor of Bengal.

Mr. H. C. M. LAMBERT, C.B., Secretary to the Conference.

Mr. E. J. HARDING, Junior Assistant Secretary to the Conference.

## THERE WERE ALSO PRESENT:

Sir G. V. FIDDES, G.C.M.G., C.B., Permanent Under Secretary of State for the Colonies.

Mr. A. D. STEEL-MAITLAND, M.P., Parliamentary Under Secretary of State for the Colonies.

Sir H. LLEWELLYN SMITH, K.C.B., Permanent Secretary, Board of Trade.

Sir MAURICE DE BUNSEN, G.C.M.G., G.C.V.O., C.B., Acting Assistant Under Secretary of State for Foreign Affairs.

Mr. GARNHAM ROPER, C.B., Assistant Secretary, Harbour Department, Board of Trade.

Mr. H. FOUNTAIN, C.B., C.M.G., Assistant Secretary, Commercial Department, Board of Trade.

Sir W. H. CLARK, K.C.S.I., C.M.G., Comptroller-General of the Commercial Intelligence Department, Board of Trade.

Mr. PERCY ASHLEY, Board of Trade.

Lieutenant-Colonel W. DALLY JONES, Assistant Secretary to the War Cabinet, and

Private Secretaries.

2 April 1917.]

NOTICES OF MOTION, &amp;c.

[6th Day.]

## Notices of Motion.

Mr. MASSEY: I wish to give notice of the following motion:

"That the time has arrived when all possible encouragement should be given to the development of Imperial Resources, and (consistent with the Resolutions of the Paris Conference) especially to make the Empire independent of other countries for the future food supplies of its population and raw material for its manufactures. With these objects in view, this Conference expresses itself in favour of (1) a system by which each country of the Empire will give preference through its Customs to the goods produced or manufactured in any other British country, and (2) an arrangement by which, in the case of intending emigrants from the United Kingdom, inducements may be offered to such emigrants to settle in countries under the British Flag.

CHAIRMAN: Gentlemen, you have the notice of motion. I assume you will consent to it going on the paper for future discussion?

Sir ROBERT BORDEN: I suppose that follows.

[AGREED.]

CHAIRMAN: I am sorry to say that Mr. Balfour is unable to attend to-day, but he hopes very much to be with us before we finish this subject on Wednesday. In his absence, Sir Maurice de Bunsen has been good enough to come to represent the Foreign Office. Sir Albert Stanley, the President of the Board of Trade, is here, and he will open the discussion.

## Restriction of Imports and Exports.

Sir ALBERT STANLEY: The subjects we desire to present to this Conference for discussion are four in number: (1) The Restriction of Imports and Exports,\* (2) The Law relating to Patents, Designs and Trade Marks,† (3) The Service of the Trade Commissioners,‡ and (4) The Survey of Mineral Resources of the Empire. I understand, Sir, you wish to discuss to-day only the first subject, that is, the prohibition of the Import of Enemy goods after the War, and the control of exports after the War. Sir, if we take the first item, perhaps I might refer, first of all, to the Resolutions of the Paris Conference.§ No doubt each Member of the Conference has before him a copy of these Resolutions. I do not think it necessary for me to refer to those measures dealt with under Section A, which relate only to the period of the War. The particular measures we have to deal with are those which come under Section B, which is headed "Transitory Measures for the Period of Commercial, Industrial, Agricultural, and Maritime Reconstruction of the Allied Countries." If I may read under Section B, the first Resolution is, "The Allies declare their common determination to ensure the re-establishment of the countries suffering from acts of destruction, spoliation and unjust requisition, and decide to join in devising means to secure the restoration to those countries, as a prior claim, of their raw materials, industrial and agricultural plant, stock, and mercantile fleet, or to assist them to re-equip themselves in these respects." And Resolution II. reads: "Whereas the War has put an end to all the treaties of commerce between the Allies and the Enemy Powers, and whereas it is of essential importance that, during the period of economic reconstruction which will follow the cessation of hostilities, the liberty of none of the Allies should be hampered by any claim put forward by the Enemy Powers to most-favoured-nation treatment, the Allies agree that the benefit of this treatment shall not be granted to those Powers during a number of years to be fixed by mutual agreement among themselves. During this number of years the Allies undertake to assure each other, so far as possible, compensatory outlets for trade in case consequences detrimental to their commerce result from the application of the undertaking referred to in the preceding paragraph." The purpose of this Resolution is to secure complete freedom for the Allies after the War to make such commercial arrangements among themselves or with neutral countries as they may think advantageous and expedient without being hampered by having to give to the present Enemy Powers any concession which they may see fit to make to the present Allies or neutrals. This particular Resolution does not lay down any principle as to the actual treatment to be accorded to the German trade by each of the Allies. It only prohibits them during the period of

\* See Memoranda printed on pp. 257 to 285.

† See Memorandum printed on p. 285.

‡ See Memorandum printed on pp. 131-132 of [Cd. 8566.].

§ [Cd. 8271.].



Sir ALBERT STANLEY—*cont.*

transition from binding themselves, either collectively or separately, to give to Germany and the other Enemy Powers the right to such treatment as may be accorded to the Allies or neutrals. As illustrating the necessity of the principle laid down in the Resolution, it may be pointed out that the regulation of imports from and exports to the present Enemy countries, which forms the subject of two of the Memoranda circulated by the Board of Trade,\* would be impracticable unless the right to the most-favoured-nation treatment were withheld from the Enemy countries for a period after the War. The length of the transitional period for the purpose of the Resolution is not determined by the Paris Conference, but left to subsequent agreement. The original British proposition was not less than five years after the War, and it is for the consideration of this Conference whether that should be the period which might be agreed to.

I might add that this Paris Resolution has not yet been confirmed by Russia or by Italy. Russia has given a qualified acceptance of these Resolutions, but I think the qualifications leave the Russian Government fairly considerable freedom of action, so that it can hardly be said that they have really in any sense confirmed these Resolutions. It is for this Conference to determine whether the Resolutions which I have read give freedom for negotiating as between the parts of the Empire itself or as between the Empire and, say, France, or possibly Belgium, and later on Italy, if they accept the Resolutions, and possibly Russia.

The Board of Trade have submitted a Memorandum which deals with the question of the "Control of Imports." You will see there it refers to the Resolution of the Paris Conference, which says, "In order to defend their Commerce, their Industries, their Agriculture, and their Navigation against economic aggression resulting from 'dumping,' or any other mode of unfair competition, the Allies decide to fix by agreement a period of time during which the commerce of the Enemy Powers shall be submitted to special treatment, and the goods originated in their countries shall be subjected either to prohibitions or a special regime of an effective character. The Allies will determine, by agreement through Diplomatic channels, the special conditions to be imposed during the above-mentioned period on the ships of the Enemy Powers." I do not know that it is necessary for me to go on reading this Memorandum, Mr. Chairman, which comprises the suggestions put forward by the Board of Trade for the consideration of this Conference.

CHAIRMAN: I do not think it is necessary to read it all; we all have it before us.

Sir ALBERT STANLEY: I do not know whether the Conference would wish to take first the question of imports as distinguished from the question of exports, and then pass on to the question of exports, or would wish to deal with them collectively?

CHAIRMAN: Which course would the Conference prefer? Would you prefer to take imports by itself?

Mr. MASSEY: Imports from Enemy countries?

CHAIRMAN: Yes.

Mr. MASSEY: I think that subject should be taken by itself.

CHAIRMAN: Then we will take it by itself.

Sir ALBERT STANLEY: It seems to stand by itself, and it is worthy of the consideration of this Conference whether a definite prohibition should be put upon all imports from Enemy countries for a period after the War, to what extent that prohibition should be applied—whether importation should be allowed under licence as against complete prohibition—and what machinery should be set up in the event of it being determined that the imports should be only under licence.

Mr. MASSEY: Supposing, as you have already suggested, one or more of the present Allied countries stands out and refuses to have anything to do with this, in what position will the others be then?

Sir ALBERT STANLEY: I cannot go so far as to say that any do stand definitely out of it, but some have given only a qualified acceptance to the Paris Resolutions.

\* See Memoranda printed on pp. 257 to 285.

Mr. MASSEY: You are speaking now of Russia and Italy?

Sir ALBERT STANLEY: Russia in particular.

Sir ROBERT BORDEN: Italy has not given any assent.

Sir ALBERT STANLEY: Italy has not given any assent that I am aware of.

Sir MAURICE DE BUNSEN: Italy has given no assent.

Sir JOSEPH WARD: Would it not be desirable before we get to the point of discussing what countries now allied with Britain will consider the class of goods they will make any differentiation in as regards imports, to arrive at a decision as to whether we agree or disagree with the Paris Resolutions? I think the strength of this Conference would be expressed better if we tackled the Paris Resolutions first and came to a decision upon them. On the point to which Mr. Massey referred. Supposing Italy or Russia, or both of them, sever themselves from the other Allies, it will create a very equivocal position. I think the force of this Conference would be better gauged if we arrived first at a decision on the Paris Resolutions. Up to now none of the Oversea Dominions has had an opportunity of discussing them or saying what they think about them. In the meantime the British Government has done so, but is ignorant as to whether those Resolutions have met with the concurrence of the Overseas Dominions or not. It seems to me, if we are to touch the question of Imports first, and of Exports afterwards, we may arrive at a decision upon the matter of Imports very different from that intended by the Resolutions of the Paris Conference to which, as I understand, the last British Government was committed, but the present British Government may not accept them.

CHAIRMAN: I do not know what the view of the Conference may be, but I confess I should have thought any discussion on the Paris Resolutions would have to be in the Cabinet and not here. They raise a great many questions outside the Board of Trade, or the Colonial Office, or the India Office, or the Foreign Office. A discussion involving a decision on the part of the Dominions on the Paris Resolutions ought, I should have thought, to take place in the Cabinet, or, if in the Conference, when we had the presence of the Chancellor of the Exchequer among other Ministers.

General SMUTS: I thought that was the intention, that the general question might be raised in the War Cabinet?

CHAIRMAN: Yes.

General SMUTS: We are dealing with subsidiary questions only here.

CHAIRMAN: We want really to see whether the Dominions are prepared to assent to the proposals of the Board of Trade with regard to the transitory provisions, or if they have any proposals of their own to make. I think we should have to discuss the Paris Resolutions in the Cabinet. It would be no use to discuss them here, because we have not the Ministers present whose presence would be essential to such a discussion.

Sir JOSEPH WARD: If we are discussing integral portions of the Resolutions that are submitted by the Board of Trade and arrive at a decision upon them, and the War Cabinet afterwards comes to a different decision, will not one decision negative the other?

Sir ALBERT STANLEY: It would seem to me that some advantage might, perhaps, arise out of a discussion of the proposals put forward by the Board of Trade, inasmuch as it will give the Members of the Conference a better idea of what the Paris Resolutions actually mean. They are only of a very general character, and, perhaps, as I say, a general discussion will give a better idea of what is contemplated by them. The Board of Trade do raise questions upon the more important measures suggested.

General SMUTS: That is my difficulty. I find it somewhat difficult to follow these matters. The Paris Resolutions are so general and abstract that it is difficult to know what is the concrete situation to be faced. The Board of Trade, of course, faces



General SMUTS—*cont.*

a more concrete situation and goes into particulars. I thought that, apart from any Resolutions which might be come to afterwards, if we could have a discussion from which one might see what the mind of the Board of Trade was and what their ideas were we might have some guidance. I am now thoroughly at sea—I do not know how my colleagues feel.

Sir ROBERT BORDEN: Even if the Paris Resolutions had not been passed, I suppose it would be a matter proper for discussion whether or not imports from Enemy countries should be restrained or prohibited for a certain period after the War, and, whether the other Allied nations co-operated in that or not, we might have to consider it. Is that what you have in mind?

General SMUTS: I have in mind this: The Board of Trade seems to face this situation: what ought to be done in the interests of the Empire, in the first place, and what should we do in our own interests? The Paris Resolutions face an entirely different situation. They do not look at British interests at all, but Allied interests, and I do not know what they are. I am quite at sea about it. We know more or less what is in our own interest, and we might discuss in the broad question of self-interest what is to the interest of the Empire as to wool and ore and that sort of thing.

Mr. MASSEY: Speaking generally, I may say that I agree with the principle of the Paris Resolutions, that is, if they mean what is expressed in print; but the difficulty we are up against to-day is that it has been suggested that one or two of the Allied countries may drop out, and may not agree to what we propose to discuss presently. In that case any discussion on the principles of the Paris Conference would be simply useless. I think if we are going to discuss this, the proper thing is to lose sight of every Allied country for the time being, always bearing in mind the principles of the Paris Conference—that is a different thing—and discuss what ought to be done by the British Empire itself—when the War comes to an end with regard to imports from and exports to present Enemy countries. I think we can do that without any difficulty, but I do not see that we can go any further, or that it would be advisable to do so until we know more than we do at present.

CHAIRMAN: Then we may proceed with the consideration? Do you press your objection, Sir Joseph Ward?

Sir JOSEPH WARD: I do not press it. I raised it because I thought it was pertinent to the occasion, but I am quite willing to fall in with anything.

Sir ALBERT STANLEY: It is put down, simply for discussion, whether we should put a prohibition on imports from Enemy countries into the British Empire.

Mr. MASSEY: I do not know whether it is proper for me to ask—probably it ought to be asked in the Cabinet—whether you intend to go on with anything in the way of a revision of the tariffs which will come into operation when the War comes to an end, so that when trade gets back to a fairly normal condition it will not be possible for the present Enemy countries to get into the position which they occupied prior to the War. I am thinking of this position: take the Dominions themselves and take the present Allied countries, according to my view (and I fancy the Members of the Conference will take the same view) it would be very improper to allow Germany or Austria to dump some of their manufactured goods into the British market in competition with similar goods, if that is possible, coming from the Dominions, or in competition with similar goods coming from the Allied countries; but if you are going to keep them out, it appears to me that legislation is necessary; that is to say, if there is to be a conditional tariff imposing special conditions on the entry of the goods coming from enemy countries, it requires an Act of Parliament with all the forms and ceremonies connected therewith. I am asking for information.

CHAIRMAN: Again, that is a question which we shall have to raise in the Cabinet itself—the whole question of tariffs after the War.

Mr. CHAMBERLAIN: Is not Mr. Massey's question really answered by the papers which we have before us? One of the Resolutions of the Economic Conference of the Allies was that "In order to defend their commerce, their industries, their agriculture, and their navigation against economic aggression resulting from 'dumping,' or any other mode of unfair competition, the Allies decide to fix by agreement a period of time during which the commerce of the Enemy Powers shall be submitted to special treatment, and the goods originating in their countries shall be subjected either to prohibitions or a special regime of an effective character." The Resolutions of the Paris Conference were ratified by His Majesty's Government, and therefore the particular question Mr. Massey put is answered by His Majesty's Government, that in ratifying the Paris Resolutions they have expressed their intention of taking such steps as will deal with the situation he described.

Mr. MASSEY: It may be answered indirectly, and I think it is. The principle is affirmed there undoubtedly, but the position changes, as I understand it, when one or two of the Allies drop out and propose not to go on with their part of the Paris Conference. If we are told indirectly even, but authoritatively, that the British Government intend to adhere to this view whether the others drop out or not, or whether some drop out or not, we would submit such legislation to Parliament with the object of it being passed into law and given effect to and we should know where we are. I am thoroughly in agreement with the principle of the Resolutions and there is no difference of opinion between me and my colleagues. Speaking generally, that is the opinion of New Zealand.

Sir ALBERT STANLEY: Our suggestion is not that there should be any complete prohibition of imports, but that power should be taken to prohibit imports, and for this legislation would be necessary.

Mr. MASSEY: For a time.

Sir ALBERT STANLEY: Such imports as we desire should be allowed into the country by licence. Therefore you have freedom of action to the extent necessary to preserve the freedom of each particular country affected, though, unfortunately, one or more of the Allies might drop out of the arrangement and not be a party to it; but that appears to us not to be a serious consequence, because, having power to license, you can deal with any subsequent position which might arise. The principle under discussion is whether we should approve of legislation which would prohibit imports from enemy countries during the transitional period, which, of course, cannot be for very long.

Mr. MASSEY: That is a difficult point.

Sir ALBERT STANLEY: It is a little difficult.

Mr. MASSEY: What length would you suggest?

Sir ALBERT STANLEY: Say probably a period of twelve months, with a right to extend it if necessary.

Sir ROBERT BORDEN: That is suggested in the Memorandum—a period of twelve months.

Sir ALBERT STANLEY: We may have to extend that. Twelve months is not very long in which to secure the re-establishment of your industries upon practically a peace footing, and that is what is really intended.

Sir JOSEPH WARD: We are in this position in New Zealand (and it is information which probably Sir Albert Stanley is quite familiar with), that we have on our Statute Book, as the result of the War, a clause I had put in an Act of Parliament bringing in automatically upon peace being settled, and during the time when peace is in course of settlement and after peace has been arranged, a fifty per cent. duty against importations of all kinds from all Enemy countries.\*

Mr. MASSEY: Fifty per cent. additional.

Sir JOSEPH WARD: Yes, fifty per cent. additional. I want to know whether it has been under review by the Board of Trade, or in the mind of the President of the Board, that at this Conference we should affirm a Resolution that it is desirable to

\* See New Zealand Act, No. 39 of 1915, section 28.



Sir JOSEPH WARD—*cont.*

do what is indicated in that first Resolution, and that is to fix a period of years and then await the decision of the British Government as to whether they are going to put a duty against all Enemy goods, and what the amount of that duty is to be. In our country, even if a general arrangement is made for the Empire, we want to hold on to that fifty per cent. extra duty on all goods imported from Enemy countries. The system of licensing suggested by Sir Albert Stanley is obviously right; because I take it in this country there are some products coming from certain countries in Europe which you want to come in, and which will require a licence. New Zealand does not want any of it by way of licence. We are quite prepared to stand to our fifty per cent. additional duty against everything. I think I am right in saying that.

Mr. MASSEY: Yes.

Sir JOSEPH WARD: It is now in an Act of Parliament.

Mr. MASSEY: The Act is there all right, and it does exactly as Sir Joseph Ward says, but I think it comes into operation by Order in Council. Although I am saying that, I want the Conference to understand that there is no difference of opinion with regard to it either on the part of Members of Parliament or of Members of the Government.

Sir JOSEPH WARD: It was carried unanimously in the House.

Mr. MASSEY: Yes.

Sir JOSEPH WARD: That shows the spirit animating the representatives of the people as to the treatment of Enemy countries after the War. If it is to be the general decision that whatever we do is only to last for twelve months, or longer as the case may be, I think, in our country, we shall be up against very difficult position. If you have an impost against some German goods, and a licence is being issued for the importation of other goods free or at a lower duty into this country, then comes in the question of freights from Hamburg *via* England to New Zealand being very much lower than on goods shipped direct to New Zealand and Australia from this country, and enemy goods could be sent on from England to New Zealand and to other Oversea Dominions. Now, unless there is some way of dealing with the retransport of those goods from this country, they will destroy the trade in our country even with the fifty per cent. extra duty against them, because if they brought their steamer rates down twenty-five per cent. less than the rate from England, then our country could not stand against it; that is to say, they could get goods from Hamburg *via* England at a considerably lower rate than goods sent direct from England to ourselves. We want to co-operate with the British Allies in helping the British manufacturers against these foreign manufacturers who are enemies.

Mr. CHAMBERLAIN: Sir Albert Stanley can tell us something about that. It raises a question which is of great importance, I think, for the execution of this policy as a whole. How are you going to detect Enemy origin? Sir Joseph Ward has raised the question on the assumption that we should admit some German goods freely into this country which were in competition with British exports, and that then they would be exported *via* this country from Germany to New Zealand and not detected. I understand the question is wider than that. We have got to ascertain how are you to protect yourselves against the passage of Enemy goods through a neutral country where they may assume apparently a neutral origin.

Sir ALBERT STANLEY: It involves some certificate of origin.

Sir JOSEPH WARD: That is very difficult.

Mr. CHAMBERLAIN: Perhaps I may add one word. I think Sir Joseph Ward has interpreted what Sir Albert Stanley said in a wider sense than probably the Board of Trade contemplated. I do not know whether Sir Albert could give illustrations of what he has in mind with regard to licensing, but I conceive it to be this class of case: The Germans had a practical monopoly of the dye industry before the War broke out. We are going to work, and other Allied nations too, to establish dye industries or a dye industry amongst the Allied nations, but for a time after the War there may be certain dyes which we shall be unable to produce in sufficient quantity

Mr. CHAMBERLAIN—*cont.*

for use in our manufacture of goods. If we do not get the dyes at all, the market for the manufactured goods would be to those who have the dyes. As I conceive, the idea of the licence would be to let in things which were essential to your own industries, but only such as were essential to your own industries.

Sir ALBERT STANLEY: It is quite clear we are not in fact, and shall not be, in an independent position after the War. Probably no better illustration could be given than the one Mr. Chamberlain has given. It is quite clear that there will be certain dyes, not only as regards the question of quantity but also that of colour, which must come from Germany after the War.

Sir ROBERT BORDEN: Does not something else have to be taken into consideration? Suppose we should restrain the importation from Germany of all those products and manufactures which can be developed in this country and at the same time we should propose to import freely from Germany certain articles which it will be convenient for us to have, can we assume that Germany, or Austro-Hungary for that matter, will fall quite readily into that arrangement? Might it not be possible that they will restrain the exportation to this country or any of the Oversea Dominions of those particular products which we are in need of and which we cannot get elsewhere? Is it not probable that they would do that as a matter of retaliation?

Sir ALBERT STANLEY: I think there is a possibility of that taking place. One has to deal with each particular item. Probably in dyes there would be an inclination on the part of Germany to try to re-establish its trade in this country. They had made far greater advances in respect to the manufacture of dyes than we can reasonably hope to make in the near future, and I am disposed to think they will make efforts to re-establish themselves, even to the extent of accepting a prohibition such as I have described, although it probably would happen that they would seek to enter this country by devious methods through neutral countries. That, again, raises the question of certificates of origin.

Sir ROBERT BORDEN: Perhaps Canada is more peculiarly situated in that respect than any other part of the Empire, because we have alongside us the United States from which we import a great deal, and the United States may have intimate commercial relations with Germany after the War is over. It will require a good deal of thought and a great deal of care to work out any system under which, without creating irritation with a friendly neighbouring nation, you could consummate a policy of that kind.

Sir EDWARD MORRIS: Following up the point which was raised by Sir Robert Borden on the question of retaliation, I should like to ask the President of the Board of Trade whether, assuming that Germany adopted retaliation against us by not allowing our exports to go in to their country, the question has been considered of where markets are to be found for the products of the British Empire which before the War went into Germany. As far as I am capable of judging, that is a very serious matter. Of course, if those products can be disposed of in the British Empire or in neutral countries or in countries of the Allies, it is all right, but I am thinking now of the case of Newfoundland. For instance, we buy everything practically in the British Empire and we sell nothing except a little paper in the British Empire. We buy all we require in the way of goods from England, Canada, and the United States, whereas we sent all our lobsters canned to Germany. Previous to the War we sent somewhere in the neighbourhood of one million tons of ore to Germany. Speaking subject to correction, I think there are many cases like that in regard to Canada, because I know the asbestos all went to Germany. Has that question been considered? Supposing they were to retaliate and to exclude all these products of the British Empire, has it been considered where a market can be found for those products?

Sir ALBERT STANLEY: It has been considered in connection with the Paris Resolutions. That was a problem which actually arose at the time and was the very essence of all the discussions.



Sir EDWARD MORRIS: I would like to see a list of the important commodities that were imported into Germany the year before the War from the British Empire. I think they amounted to something like 70,000,000*l.* sterling. Is it possible to find a market outside Germany for that 70,000,000*l.*? If it is possible, or even if it is possible to get a market for a reasonable portion of it, it would, of course, considerably lessen the risk of retaliation. That is a different class of retaliation from the point Sir Robert Borden raised which is equally important.

Mr. MASSEY: I quite agree with what has been said by Sir Edward Morris with regard to preparing a list showing us the articles or commodities which Germany imported prior to the War from the different parts of the British Empire. I think that is very important. I am quite convinced—and I am quite sure that every Member of the Conference must be convinced—that Germany intends, and, as a matter of fact, is already making arrangements, to follow up the present War by an economic war with the object of regaining the industrial and commercial position which she occupied prior to August 1914. There is no doubt in my mind about that. I think probably the best instance has been given of the kind of articles which we urgently require from Germany in mentioning dyes. I have good reason to believe that a very great deal of work and a very great deal of research has taken place within the Empire itself with the object of finding substitutes for the dyes which we formerly imported from Germany. I do not know whether any neutral country produces them; I hardly think they do.

Sir ROBERT BORDEN: They are endeavouring to develop the production of dyes in the United States.

Mr. MASSEY: And they are doing it in England. I have seen them at work, as a matter of fact, and have been in the laboratory where the work has been going on. Whether they are going to make it a commercial success or not I cannot say, and nothing but time will tell. Following the point raised by Sir Joseph Ward with regard to the position of New Zealand in the evidence taken by the Dominions Royal Commission, there is apparently very reliable evidence given by reliable witnesses to this effect, that prior to the War it was possible for German manufacturers to land in the Dominions goods manufactured in Germany which were shipped to England, transhipped to New Zealand or Australia, or wherever it might be, and to have that done at a lower rate of freight than was charged on similar goods manufactured in and coming direct from England itself.\* I have not the evidence here, but Members of the Conference can turn it up for themselves, no doubt.

Mr. CHAMBERLAIN: We can multiply instances of that kind, but I thought that was going to be raised in some notice of motion for the purpose of the consideration of the shipping problems after the War, and shipping communications. It is really rather a distinct problem from the problem Sir Albert Stanley has raised.

Mr. MASSEY: Yes, but it is a very important one.

Mr. CHAMBERLAIN: No doubt.

Mr. MASSEY: When it was made public on the other side of the world there was a very strong feeling that sort of thing should not be allowed to happen. I do not know who is responsible for it, but the feeling in New Zealand is that we must have it put right. I do not think the Imperial Government would attempt to interfere with us unnecessarily, but we must have the right to keep out Enemy goods by an even more drastic Act than is in force now if we think it necessary to do so. I may point out that when I looked up the list of articles that New Zealand obtained from Germany prior to the War I did not feel at all proud of the position we had got into, and I am sure that during the present generation New Zealand will not get into the same position again, whatever happens, of getting goods from Germany to anything like the same extent as it did before the War.

Sir JOSEPH WARD: In thinking over this matter with a view to the meeting of the Conference to-day it appeared to me that the information which the Board of Trade is to furnish through the President upon this all-important question will be invaluable, but I cannot help feeling that we are commencing at the wrong end if we

\* See pp. 105-121 of [Cd. 7170].

Sir JOSEPH WARD—*cont.*

want to help, not only the Motherland but the outlying portions of the Empire, to have our trade put on a better basis after this War is over. It looks to me as though it would be better for this Conference to lay down after discussion a Resolution of what it believes to be essential for trading within the Empire. The question is how will we know to what extent the British Isles will be better off under any system of Tariff they may decide to have, and in what position will we be in regard to reciprocating with the centre of the Empire upon those goods which we can grow or produce within the Empire if we do not have a knowledge of what is intended to be done here? I do not believe, with all due deference to those who are proposing to discuss the question of imports only, that we can arrive at a decision which is going to be of any use to us when we get back to our own countries as to how we are going to help to promote trade within the Empire and block all other trade which can be provided for within the Empire from coming from Enemy countries. Supposing on the point raised by Mr. Massey, a British shipowner, as I have not the slightest doubt has occurred in the past, charters a ship which he owns to Germans and the charterers decide to load that ship partly in Germany and partly in England, what is to prevent the German charterers of a British ship charging half the rate of freight to the German shippers, and when the ship comes to England making up his profit out of the British shippers? The first essential to preventing that is to ascertain what the articles are which are now made in Enemy countries which were coming into this country prior to the War and being dumped here. We want to ascertain the numbers of these articles and whether this country can with advantage without hurting its own people keep them out; and in return are the British Oversea countries prepared to keep those same articles out and to have an interchange within the borders of the Empire? If we do not arrive at a decision on that point, after this Conference is over we shall have to go back to our own countries and adjust our tariffs in our own particular ways and continue our preferential list with England, but it would be different if she could reciprocate with us under the altered conditions. I have no hesitation whatever in saying that it would be well to have the opportunity of preventing articles which have been dumped into this country from Enemy countries from being dumped in the future. Now it looks to me that dyes imported under licence could be very well provided for, but there are hundreds of other things. If a licence was provided for goods coming into this country it would destroy any effort which was being made by any or all of the Oversea Dominions to have preferential treatment in regard to those same articles coming into this country, because of the fact that they could without the slightest trouble leak into steamers chartered as I have indicated, no matter whose the ownership, with the two rates of freight, one to Enemy exporters and one to exporters in this country. If we cannot arrive at a decision which will help the British manufacturer as against the Enemy manufacturer, then we are not going to do very much good. I may be wrong, but my view is that in order to enable me to arrive at a decision on what is best to do it becomes necessary to know what are the articles this country is going to say to Enemy countries definitely, "We are going to put a duty on," if she is going to do it. I am not seeking to pry into the future policy of the British Government, but I think we ought to have a knowledge of what articles are to be licensed. If we are to have co-operation and co-ordination within the Empire, I think, and as we are all agreed, with a view to helping the Empire as a whole on trade matters, then surely we are not in a position to arrive at anything like a practical decision in reference to any imports or any exports until we have a knowledge of what is going to be done by this country and what articles it is intended in all probability to license. In our country we have tariffs partly for revenue purposes and partly for protection purposes of certain industries, and though we understand the operation of those tariffs perfectly well we shall not understand how to make their effective operation for the future until we know what is going to be done here. I think the first thing we ought to try to arrive at a decision upon is as to whether we can, from an Empire point of view, establish a definite system upon which we can give preference within our Empire, but you cannot arrive at that until you know what articles Britain puts a duty on from Enemy countries and what articles you are going to license. Otherwise, as true as we are sitting at this table, after the



Sir JOSEPH WARD—*cont.*

War is over, if the Enemy's steamers are to have a free run, as no doubt they will claim, on all the waters of the world apart from lighthouse rates or harbour dues in the different Dominions, unless we have some definite plan upon which to work on here, this enemy operation as against the British manufacturers is bound to continue and the German and Austro-Hungarian export will go on as before and will militate against any effort on our part to have what we might call a legitimate and reasonable plan for the purpose of conducting trade within the British Empire. I do not think we can deal with it piece-meal. If the Conference wishes to do so one will readily fall in with that desire, but I think the question is so large that it transcends, in my opinion, almost any other matter we can bring before this Conference with a view to building up trade relations within the Empire. It seems to me that this Conference, should have some knowledge of what the War Cabinet intends to do in relation to these various Resolutions. I do not see how we can advise the War Conference upon any decisions we arrive at in regard to sectional imports or sectional exports. While it may be a very good thing to do, it does not get to the kernel of the trouble which exists at the moment all over the Empire, and which it is the common desire of the people all over the Empire to put an end to. We want to give a preference to Britain and to each of the Dominions upon articles which can be produced in our countries. Canada started it, we followed on, and we gave preference to Canada, and to England as Canada has done, and we have given preference to South Africa on various articles—in fact to all British countries that choose to avail themselves of it. The initial difficulty I see from the point of view of arriving at something which I would call practical, and, if I may use the term, sensible, is that we are dealing with a question which is not a matter of policy already definitely decided upon by the kernel of the Empire, the British Government, and without which decision we cannot in the external parts of the Empire arrive at a satisfactory decision upon ourselves. I am perfectly sure the Board of Trade can give us an immense amount of information to help us in the trade war of the future. I repeat the initial difficulty is with the British Government. I do not want to stretch the matter further, but I see great difficulty until something is done here, and I have thought it only right to say so.

Sir ALBERT STANLEY: Any information which the Board of Trade has is at the service of the Conference, but I hope it is not necessary to confuse this particular point with the much larger question of fiscal policy, because I am not prepared to-day to discuss that greater question. That would be a matter for the War Cabinet, of which the members of this Conference are members. It may be properly raised and discussed there. As regards this question of imports, however, we are in this position, that whatever rights we really have with respect to any prohibition of imports arise out of the War. If the War ends speedily we might find ourselves in a position that we could not legally prohibit or prevent imports from coming into this country, that is to say, we could not adopt any discrimination between one country and another. Therefore we think it necessary that we should take steps in advance to anticipate the position, so that we can carry on practically the present policy, enlarged as may be necessary, for a little time after the War—long enough to allow us to turn round. Therefore, we raise this question before the Conference in the hope that they will consider it and that, if possible, the Overseas Dominions will join with us in legislation of that kind so that there may be common action. It has no relation to the tariff question but only relates to the transition period.

Mr. MASSEY: Complete prohibition.

Sir ALBERT STANLEY: With licence. We are simply taking powers to do that, and machinery would be set up to give effect to it.

CHAIRMAN: It is a necessary precaution, as I understand it, to prevent us from being caught unawares.

Mr. MASSEY: Supposing it came up in the Conditions of Peace, what will happen then?

Sir ALBERT STANLEY: I could not answer that; it is not for me to anticipate. It is possible matters may be upset later on, but the proposal puts us, as I say, in a position to deal with the transition period.

Mr. MASSEY: Perhaps that was an unfair question for me to ask. I do not expect you to answer it. As far as I know the minds of members of the Conference I do not think there is any doubt as to the necessity of a legislative provision being made; that is to say, the British Parliament and the Dominions in the different parts of the British Empire should each and every one of them take power to prohibit the importation of goods from enemy countries for a period to be fixed after the War is concluded. That is the first point. The second point, I think, to make clear is this: It seems to me that to go on discussing and expressing any opinion on the decisions of the Paris Conference until we know if all Allied Countries are going to agree to these decisions is perfectly useless. The third point, which is equally important to us, is that we have the right now to make our own fiscal arrangements. We have the right now to prohibit importation of goods from any other country, it does not matter what that country is, and we are going to continue to possess and to exercise that right. I am not suggesting for a moment that any attempt is going to be made to take that right away from us—nothing is further from my mind—but I simply say we have the right now, and there is no doubt in my mind—and again I speak for New Zealand simply as one of the Dominions, and we are generally pretty much of the same mind on most of these things—that if it becomes necessary for New Zealand to prohibit the importation of, or increase the duty upon, or do anything of the sort with regard to enemy goods, there will be no difficulty so far as the New Zealand Parliament is concerned, because I believe they will be quite willing to act with the Parliament of the United Kingdom in any steps it may think necessary to take with regard to the prohibition of imports for a stated period, or with regard to licences.

CHAIRMAN: That is what we want to know.

Sir ALBERT STANLEY: Quite so.

Sir ROBERT BORDEN: As far as we are concerned, I think the question would require consideration from some Departments of our Government which, unfortunately, are not directly represented here and which would be equipped with knowledge of the questions involved that one not directly connected with those Departments could not have available at the moment. The question of our relations with the Enemy Countries immediately after the War will require very careful consideration, and for that reason I do not want to express any definite opinion at the moment. It has been suggested that the matter now before this Conference brings into question fiscal policy of the United Kingdom. We are naturally jealous of our right to control our own fiscal affairs, and for that very reason I am not disposed to offer suggestions as to what the fiscal policy of the United Kingdom should be. That must be for them to determine, as our fiscal policy must be for us to determine. It may have to be considered either here or elsewhere before long. I am not sure whether the Board of Trade can give us in a definite and concrete way their view as to the outlook between the British Empire and the Enemy Nations for some years after the War. It would require a good deal of foresight to conjecture what those relations may be. The suggestion is that there should be a period of prohibition accompanied with power to grant licences. That proposed prohibition, as I understand it, is comprehensive, covering all articles. The suggestion is that by means of licences the prohibition would be confined to certain articles. A policy of that kind deliberately embarked upon must take into account what measures might be taken by the enemy country in its own interest to counteract anything that the Mother Country and the Overseas Dominions of the Empire should attempt. It seems to me all that has to be very carefully and comprehensively considered. I suppose it is not very probable that the prohibition policy would continue indefinitely. It is suggested that it might continue for a period of a year at least, but during that period I am not quite clear whether it is designed to safeguard industries built up in the past which have suffered more or less from German competition, or whether it is more particularly intended to safeguard industries built up within the Empire since the war but previously monopolised by Germany. Possibly the idea is to act in both cases.



[5th Day.]

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CHAIRMAN: Does anybody else desire to make any contribution to this discussion?

General SMUTS: I almost hesitate to say a word because the subject seems to be so difficult, and my information is so scanty that if I had to contemplate action I could not say what it would be. We are all agreed in principle that it would be a very good thing to prevent dumping and the throttling of our industries immediately after the War, and to have a breathing space through some such legislation as is suggested here. The subject is undoubtedly very very difficult. There is the point of retaliation by the enemy which has been referred to by Sir Edward Morris, and it must be carefully gone into. In South Africa we have certain raw products which in the past have gone almost entirely to Germany. Take wattle bark from Natal, which went almost entirely to Germany: when the question comes to be dealt with in the South African Parliament the Natal wattle growers will want to know at once what is their position going to be. Is there to be an industry in Natal or in England, or in any other Dominion which will absorb their wattle bark, because if not they are ruined by this step we propose to take? I mention that one case to show that we will have to be very careful on the question of retaliation. Then what troubles me very much is the question of possible action by our Allies. Take the case of South Africa again. We have in South Africa an Ally, Portugal, which sits next door to us, and commands one of the best harbours, which is a great place of entry for imports into the interior of South Africa. Supposing Portugal does not take common action with us in this matter and Portugal allows cheap German stuff on the dumping principle to get into Delagoa Bay, what action are we going to take in that case? How are we going to take measures against Portugal, who is an Ally?

Mr. MASSEY: Have not you Customs on your own borders?

General SMUTS: Yes. You see from having started in principle against an enemy country, Germany, we are now driven a step further.

Mr. MASSEY: Only in the case of German manufacturers' goods.

General SMUTS: Yes, but that is a point which will require very careful consideration, because we shall find the stuff coming into the Transvaal and into the Union generally from Delagoa Bay from Germany. The question is what procedure is to be devised to prevent action like that, because very easily instead of taking steps against an enemy country you may be going to take steps against an Ally. That is another sort of difficulty that suggests itself to me. How are you going to arrange definite machinery to discover the country of origin and trace these goods through all their various stages of transit until they come to our own territory? They may at once come through an Allied country.

Sir ROBERT BORDEN: We have had an example of how many difficulties a case of that kind presents in our commercial war with Germany. We found that goods were partly produced, say three-fourths of them, in Germany, were brought over to Great Britain, were there finished and marked as British goods, and then they came out to Canada under such conditions as to enable them in many cases to escape the surtax which we put on German goods.

Mr. MASSEY: They were marked as being British goods.

Sir ROBERT BORDEN: Yes; as to three-fourths they were made in Germany and came over here to be completed and were then sent to Canada as British goods. So the question is going to present a great many difficulties which add to its complexity.

General SMUTS: I can take you a step further. This stuff is introduced into Delagoa Bay presumably from an enemy country and there is used as a raw material; it is dumped by Germany, it is a cheap raw material, and there it is manufactured into an article which is now brought into the Union. The Union imports more expensive raw material from England. I assume that the German stuff is being dumped into Delagoa Bay and is cheaper, and while the Union manufacturer is using the more expensive stuff, the Portuguese manufacturer next door to us is using the cheaper German material. What are you to do in that case where the

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General SMUTS—cont.

origin is lost in the manufacture? Are you going then to let the Portuguese manufacturer oust your own manufacturer and beat you in your own market in South Africa? I raise this difficulty not because I am in principle opposed to this action at all, but this is the great argument with which we would be at once confronted in our Parliament. In other countries, of course, just as in England, trade questions go very deeply into very vital principles. These discussions will be raised and we shall have to satisfy our Parliaments that the action we have taken is on the whole in our own interest and in the interest of the British Empire. I can see very great difficulties unless the matter is thought out. I can see that Canada, situated next door to the United States, may appreciably suffer because of it. We next door to Delagoa Bay may appreciably suffer. Quite apart from the point raised by Sir Edward Morris, it is necessary to consider how any step like this is going to affect us.

Sir GEORGE PERLEY: I do not understand that Sir Albert Stanley is suggesting any uniform plan which we should all follow.

Sir ALBERT STANLEY: Not at all.

CHAIRMAN: Not in the least, he is only asking you for your opinion.

Sir GEORGE PERLEY: It seems to me that every part of the Empire will have to consider this question for itself. In principle we all want to trade with the enemy as little as possible; but having discussed it in this way, it seems to me it ought to be left for each part of the Empire to take such action as it thinks desirable taking into account its own peculiar circumstances.

Sir ALBERT STANLEY: You accept the principle that it is desirable we should have common action as far as possible.

General SMUTS: That does not go very far. I am taking the case of the Allies now. If Portugal stands out of this Conference agreement or does not enforce it, it will raise at once great difficulties for us in South Africa. Similarly, if one Dominion takes action and another does not the whole thing breaks down. This is a sort of thing in which you cannot deal with platitudes or generalities. If any action is to be effectively taken it must be taken all round. You may find that you take action but Australia, say, does not, and then the result would be to handicap you as against Australia. Australia would be getting a cheaper German stuff, a cheaper material for their manufactures.

Sir GEORGE PERLEY: Australia, I take it, would take action in the way which seemed best for her own individual case, and the Union of South Africa would act in the same way. Some of the things you have mentioned which might trouble you would not cause us any difficulty in Canada at all, whereas other things would.

General SMUTS: If all that is intended is, not that we should come to any agreement but that we should take power to give the Dominions freedom of action, there is no trouble about that.

Sir ALBERT STANLEY: We have, I think, circulated a copy of a draft Bill.\*

General SMUTS: Yes, I see there is a draft Bill. I do not say there would be any difficulty about our taking such legislative steps as will give us freedom of action against Germany, but if we are to go further and settle a policy of common action it would be extremely difficult, and we would have to consider very difficult cases.

Sir ALBERT STANLEY: Later on when dealing with the exports we would discuss the question of the machinery to be set up to give effect to anything that might be done.

Sir ROBERT BORDEN: I think really that this question will have to be taken up between the Board of Trade here and the Commercial and Financial Departments of the various Oversea Dominions in order to reach a decision as to the extent to which common action may be possible. I am entirely in sympathy with what is



Sir ROBERT BORDEN—*cont.*

proposed, and I only hesitate to come to a definite conclusion as to what can be undertaken because I am not sufficiently well informed at the moment to reach that conclusion.

Sir JOSEPH WARD: On that point mentioned by Sir Robert Borden might I ask for full information from the President of the Board of Trade? If it would be possible in connection with legislation here, would it be possible for the Oversea Dominions upon similar lines to make provision for licences of exports to an enemy country? What is passing through my mind is that it is all very well to preserve in the respective countries power to do what they conceive to be proper, but could we not go a step further? If we could by unanimity of discussion apart from resolution help legislation of this kind through so as to ensure a breathing time for a period of twelve months until the British Government is ready to state what you will do in this country after that interval, then we might take power in our respective countries to say also what we were individually prepared to license for exportation, to meet the case of Newfoundland which was put by Sir Edward Morris, to any enemy country. I think we might go a step further and meet that point raised by General Smuts. I am one of those who believe that, before we arrive at a decision which we can put into working effect in all these trade matters, the Home Government as well as Overseas Governments will be bound to consider the position of the Neutrals after the War apart from the Allies. We have to guard against Germany having the neutral countries thrown into her arms. It struck me that it might be possible in connection with licences to have a system of licensing introduced for transshipment by steamers from neutral countries. I do not see why power should not be taken in our country to throw upon a shipowner the whole onus of having to keep his cargo on board his ship and take it back again if he does not make the necessary examination prior to shipment of such cargoes so as to ensure that the origin of manufacture was not that of an enemy country in relation to goods on ships which ostensibly were bringing British goods to our country.

Sir ALBERT STANLEY: Are you referring to British ships?

Sir JOSEPH WARD: British ships or foreign ships. If a British shipowner was responsible for carrying enemy goods to our country, which goods we decided ought not to be let in except on a specific duty, the onus of proof should be on the shipowner. He would have to take care not to allow the goods on board at the initial port of shipment just as is done in connection with aliens who are prohibited — if they run the risk of bringing a man to our country who is not of a type which ought to come in, then the shipowner has to take him back again and, if necessary, keep him for a period of a year. If we could meet the insidious methods which will be made by enemy countries after the war with regard to British trade rivalry, some drastic co-operative steps will have to be taken by the Overseas countries as well as by the Motherland to help that to be done.

Mr. MASSEY: There is a very important point which was raised by Sir Robert Borden, and which is to my mind one of the most important points raised during the discussion, and I want to have, if I can, an answer from the Board of Trade upon it, because I do not think it should be lost sight of, and some action should be taken with regard to it. For the purpose of trade, a manufactured article exported to the Dominions or to any other country from Britain is supposed to be of British manufacture if twenty-five per cent. of the cost of making has been incurred in Britain. I do not think this always works out fairly, and I think it might open the door to a very serious position. I cannot give any particular article except a motor car, for instance. I do not know what the future may be, but I know Germany manufactured motor cars to a certain extent though not very largely.

Sir ROBERT BORDEN: That is one of the things we have had trouble with.

Mr. MASSEY: Take motor cars, the chassis manufactured in Germany comes over here, and perhaps part of the body is attached, possibly the whole body. I am not sure how much of the value of a motor car is in the body, but probably twenty-five or more per cent. Just because the body has been added to the chassis in this country, then for the purpose of trade it becomes a British article. I do not think

Mr. MASSEY—*cont.*

that should be allowed. If three-quarters of the cost of any commodity has been expended upon it in a foreign country, a present enemy, or any other foreign country, and then twenty-five per cent. is added to make up the one hundred per cent. in England, it should not be exported as a British-made article. It is not fair to the consumer, as I call him for want of a better name, at the other end; it is not fair to the British manufacturer with whom it comes into competition. I think it possible that should be avoided, and it may be necessary to have the requisite provision made by legislation. This has caused trouble already in some Dominions. I do not recollect any particular trouble in New Zealand, but I do recollect some in Australia, and now we hear that Sir Robert Borden has had trouble in his country. It seems to me easy to avoid that trouble and to put it right. We each and every one of us are anxious to do as much trade as we possibly can with Britain and as little trade as we possibly can with enemy countries. I think that expresses the mind of the Conference.

Sir ALBERT STANLEY: I do not know whether the Foreign Office want to make any comment on the proposal.

Sir MAURICE DE BUNSEN: I have on the imports very little to say.

General SMUTS: Should we discuss the whole matter of the exports also?

CHAIRMAN: I think we might now open the question of the exports. I think we have come to an agreement that the Dominions would be prepared to introduce legislation giving them power, but as to what they do it is a matter for them to discuss with their own Departments.

Sir ROBERT BORDEN: And also it will leave open the door to some discussion between the Board of Trade and the relevant Departments of the Overseas Dominions, because they should really discuss it.

CHAIRMAN: It would be a great convenience if we could draft a Resolution. Will you deal with the exports now?

Sir ALBERT STANLEY: I think the question of exports is rather more difficult than that which we have been discussing, and I have no doubt the Foreign Office will have some observations to make in this connection.

CHAIRMAN: Will you give the Conference a note of the Memorandum?

Sir ALBERT STANLEY: It is headed "Memorandum on the Control of Exports during the Transitional Period." This matter was discussed by the Committee on Commercial and Industrial Policy and we give the substance of their recommendations. You will observe they recommend that only certain articles should be placed upon the prohibited list and that those articles should be exported only under licence. Shall I go direct to the particular articles proposed for prohibition in this Memorandum?

CHAIRMAN: Perhaps the Conference will now hear Sir Maurice de Bunsen of the Foreign Office on the general question raised in the Memorandum.

Sir MAURICE DE BUNSEN: I have only this to say, gentlemen. The proposal is to prohibit export to all destinations except under licence with regard to a certain number of important articles produced mainly in the United Kingdom or in the British Empire or within the territories belonging to the Allies, that the export of those specified articles should be prohibited in order that they may be reserved for the purposes of the Allies in the first instance, and specially with reference to the restoration of the invaded countries of Belgium and Northern France, and that these articles should not be wasted and made unavailable for Allied purposes and for the restoration of those devastated countries by being exported either to formerly Enemy countries or even to friendly Neutrals. They are, in the first instance, to be reserved for the purposes of the Allies, and friendly Neutrals would only come in as regards these articles when the Allied purposes had been satisfied; anything over might go to them in the ordinary course. Where the Foreign Office comes in is in this way. Neutrals are very likely to raise the point that they have got commercial treaties

\* See Memorandum on page 264.



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Sir MAURICE DE BUNSEN—*cont.*

with us, many of them of very ancient date, 100 years or so, which guarantee to them the most-favoured-nation treatment with regard to exports and imports. If we reserve one of these articles, cotton yarn or any other article mentioned, and allow it to be exported, say, to France and Italy, and not allow it to be exported to the United States or to Spain, or the Scandinavian countries, or to Holland—these countries that are excluded from favour will probably reproach us with having broken the most-favoured-nation clause in those treaties. That was the fear that the Foreign Office had and, to a certain extent, still has. It is undoubtedly a very difficult question. It was considered so difficult a question that it was referred to the highest legal opinion, that of the Lord Chancellor himself, who examined the question in the light of these commercial treaties and in the light of these measures which it was proposed to take, and the conclusion that he came to was that certainly in point of strict law, and taking the letter of the law, what was proposed to be done would be a breach of the most-favoured-nation clause in the treaties; but he goes on to say that the object the Allies have in view is such an exacting one of repairing the ravages of war and allowing the Allied countries to get back into their normal position as they were before the War, that that object is such a great object and such a high moral object that we have a moral right to look beyond these treaties.

Mr. MASSEY: Without denouncing them.

Sir MAURICE DE BUNSEN: Without denouncing them. He proposes not to denounce them, and says we have a moral right to go outside them and to say that this is a higher obligation upon us than even these treaties and that it is not a breach of the spirit of these treaties. That was his opinion—that we should in our own consciences be justified in doing that. Of course, it still remains an exceedingly difficult question, because we must look forward to the possibility that some of these countries may not share that view, and it is quite possible, indeed very probable, that they would raise very serious objections. During the last few days we had a negotiation going on with Spain, which shows the power of retaliation another country has. We absolutely require their iron ore and they absolutely require our coal. Because we have had difficulties in transporting coal they have suddenly come forward with a decree: "We will not allow any ore ships to leave the country unless we receive one-third of that amount in coal in exchange." There are now a dozen ships hung up in Spain loaded up with iron ore which are not allowed to go unless we send them a corresponding amount of coal. That shows how difficult a situation may arise. Coal is one of the articles put down in the Memorandum. I do not know that it is going to be insisted upon, but supposing we were to reserve exports of coal to the Allied countries, France, Belgium and Italy, then a country like Spain would say, "We want coal too, and if you do not send it to us we will not let you have any ore which you want very badly." That is an instance of retaliation which might take place.

Mr. MASSEY: What nation do the ships belong to?

Sir MAURICE DE BUNSEN: At this moment the ships hung up are Neutral ships, chartered by British owners. The way out is going to be that we shall probably have to charter a good number of Spanish ships in order to do this particular business. It is only one instance of possible retaliation, and there may be similar cases of retaliation as the result of our putting into effect these proposals. I mention that instance to show the difficulty we hope to get over by representing to these Neutrals, who presumably will be friendly, that we have this very strong moral obligation to help to restore the devastated villages, to put our own plant and machinery and everything which has been badly damaged in consequence of the War into its former condition before we get to our normal condition again. We have such a strong moral right that we hope to be able to overcome these objections which are sure to be raised by foreign countries.

Sir JOSEPH WARD: By "foreign countries" do you mean present Neutral countries?

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Sir MAURICE DE BUNSEN: Yes, present Neutral countries. Then, of course, the United States come in and become participators in the War, whether they call themselves Allies or not, it would be very difficult after the War to apply to them the unfavourable treatment which we were intending to apply to Neutrals. That would limit the Neutral countries to a very small band—because the South American countries would very likely follow the United States—namely, Spain, Holland, Norway, Sweden, Denmark and a few others. That is a difficulty, but we hope to overcome it by the force of the moral consideration that has been put forward by the Lord Chancellor.

Sir ROBERT BORDEN: I think it might be more or less difficult to impress that consideration upon Neutral countries in cases where their own interests were very directly and materially concerned. There should be conference and discussion with those Neutral nations before we attempt anything of that character. I entirely agree that for the purposes mentioned, as well as for developing the material resources of our own Empire, it is important that our raw materials should be controlled as far as possible, and that they should be utilised economically through processes of manufacture carried on within the Empire. That is obviously a good principle, but the point is whether we can carry it out by the proposed methods without provoking retaliation of the character anticipated. Not only in the case of Spain, but from other Neutral countries, I think there would be abundant opportunities of retaliation. If we should attempt to carry out in respect of the United States some of these proposals, it would be quite possible for the United States to retaliate.

Mr. MASSEY: Have you any recommendation to make with regard to it?

Sir ALBERT STANLEY: We only suggest for the consideration of the Conference that we should take common action to secure the necessary legislation to give each State the right to put a limit upon the export of certain particular articles. It is quite clear that a lot of these things must be the subject of discussion and negotiation between the countries interested. It would be impossible to-day for anybody to prophesy just exactly what the position will be with respect to any particular article. Nobody knows what the needs of all these countries will really be, and how much will be available for the use of Neutral countries after the needs of ourselves and our Allies have been satisfied. But we have put it forward after very careful consideration, and it seems that there is need for establishing the right to-day, as far as we can establish the right, to secure for ourselves and our Allies certain particular articles which are absolutely necessary and which are produced in the Empire, for the re-establishment not only of the countries which have been devastated by the enemy, but also for the purpose of the Allies being put, so far as their industries are concerned, into something approaching the peace position. During this short interval of time, this transitional period, we should all of us be secured against unnecessary competition. We should, first of all, secure to ourselves as a group the results of the material resources of the Empire, and what remained over of those different things might be quite sufficient for the Neutrals and then no question would be raised.

Sir ROBERT BORDEN: I am sure we all sympathise with that purpose, especially with regard to Belgium and those portions of France which have been industrially ruined to every possible extent by the Germans during the period of occupation. One of the greatest needs after the War will be to render such assistance as may re-establish there in the greatest possible measure the conditions which prevailed. I entirely agree with that, and shall be prepared to assist in every possible way.

Mr. MASSEY: In regard to Belgium it has already been understood that one of the conditions of peace would be that proper and sufficient reparation shall be made by the Central Powers for what has happened in Belgium, and I trust that will be enforced, and that there will not be the slightest indication of weakening. I feel very strongly about this, that something should be done. If it is impossible for the Central Powers to do it, then it may be necessary for the Allies to do it, and I have not the slightest doubt the British Empire will do its full share, and



Mr. MASSEY—*cont.*

possibly more than its full share if it becomes necessary, but we ought to bear the first point in mind. I agree with Sir Robert Borden and Sir Albert Stanley that it is necessary to take this power if the power does not exist, but personally I think we have it in New Zealand. Whether our Act remains in force after the War comes to an end I am not quite sure, but certainly we have that power during the War, and if it becomes necessary to extend it there will not be the slightest trouble on the part of our Legislature. They will be quite willing to extend it. I think it necessary that this power should be taken. As Sir Albert Stanley has said, and it has been corroborated by Sir Robert Borden, we do not know the position we will get into after the War, but I think we should be in a position to control the raw material produced in the Empire when once it becomes necessary for the Empire's requirements. I am thinking more particularly of wool than of anything else, because I am quite satisfied that for a considerable time after the War comes to an end the British people will require all the wool produced in the British Empire. I have had occasion to look into the position quite recently, and anybody who looks into the position will see that for himself. I have not the very slightest doubt but that the consumer will be able to pay a satisfactory price to the producer for the article he produces. I simply use wool as an illustration, but there may be other articles, though perhaps the reasons are not quite so strong in their case. I think this is a reasonable precautionary measure to take power to obtain the necessary legislation, and I hope it will be done.

Sir JOSEPH WARD: I also agree. I think what the Board of Trade proposes here is in the proper direction. If we are all standing together to fight this War and we are coming out as victors, then it is the duty of all parts of the Empire to help, not only preference within the Empire, but to give our Allies full consideration against any enemy country. In the case of Neutral countries which have not up to now helped us, I think the British Empire or any part of it would have to consider as to what portion of the trade with Neutrals it might be necessary to foster so as to prevent them being absorbed by Enemy countries to our detriment. I think it is our common duty to help as far as we can on the lines proposed here, with the reservation that none of us know what the position is going to be after the War, but, as I say, as far as we can we ought to try and meet it.

CHAIRMAN: Does anybody desire to offer any other remarks? Otherwise there appears to be general agreement on the portion of the Memorandum suggested by the Board of Trade with regard to exports.

Sir EDWARD MORRIS: I would like to make one remark on the point raised by Sir Maurice de Bunsen as regards denouncing these treaties. It practically means that—the effect will be the same.

Sir MAURICE DE BUNSEN: It is not recommended that we should denounce the treaties.

Sir EDWARD MORRIS: But the effect will be that you would have to have legislation destroying the most-favoured nation clause, which will be practically denouncing these treaties with Neutrals. Now it has been pointed out that they will certainly retaliate. Whilst admitting the high moral grounds that justify it in the opinion of the Lord Chancellor, the fact remains that they will retaliate, and then there is this additional danger, that even if we take up that position on the high grounds mentioned, after the reconstruction period had passed in three, four, five, six, or seven years, when we had sold only to Belgium, to France and all these other countries, that in the meantime would have thrown these other countries on to their own resources, and they might have developed a trade within themselves to manufacture by machinery other commodities, and then when the reconstruction period was over and we had sold all we could sell, we would have no market for the produce we had been exporting into those countries. That is a danger. I think everyone agrees that everything possible should be done as regards France and Belgium and Serbia and any of the other countries; but the question is, are you prepared to face what is practically the denouncing of treaties that at present exist between us and, not the Allies, but friendly Neutrals?

Sir MAURICE DE BUNSEN: I think the hope is that they will not consider this a breach of the treaties.

Sir EDWARD MORRIS: If that could be arranged, but they are not likely to do it.

Sir MAURICE DE BUNSEN: I do not know that we can speak with much confidence about that, but it is a hope.

CHAIRMAN: It would be an invidious line for them to take up against a policy of that kind—a policy of recuperation and restoration. It is not like a policy of stamping on the necks of people. You are going to do exactly the reverse.

General SMUTS: I think we might try to frame some Resolutions for next Wednesday.

CHAIRMAN: Draft Resolutions dealing with these two questions next Wednesday.

Mr. MASSEY: Will the Board of Trade frame such Resolutions?

Sir ALBERT STANLEY: We shall be very glad to submit Resolutions.

CHAIRMAN: Probably the Board of Trade will draft the Resolutions. I do not think we can carry the matter further to-day.

Adjourned to Wednesday at 11 o'clock.



## SEVENTH DAY.

Wednesday, 4th April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11 A.M.

The names of those present are printed on p. 14 of [Cd. 8566.].

## Reply to Loyal Resolution.

See p. 15 of [Cd. 8566.].

## Order of Business.

CHAIRMAN: With regard to the Agenda, as we do not meet again from to-day until after the Recess—that is to say on Friday week—we have already put on the paper for that day the proposals with regard to the care of graves which the Conference decided to take then. I am unable to form any estimate as to the time that question is likely to take, but perhaps it would be desirable, and the Conference might like, to make a sort of forecast for the future, and provisionally, at all events, come to some arrangement as to the business we should take. I know that more than one member of the Conference is very anxious to get back; their duties in their own Dominions require their presence, so that the time at our disposal is limited. It is almost impossible to sit much more often than we do because of the War Cabinets. We might at the end sometimes be able to sit morning and afternoon on the days we do meet, but that takes away all the time that members have for reading the various papers and preparing for the Conference meetings, so that it really does not give us a great many days. I have made a sort of provisional suggestion here, taking the days from the 13th April to the 30th April. That only means eight days, and the subjects which are down already, in addition to the one I have mentioned, are Naturalisation, Inter-Imperial Communications, the Position of the Indians, the Constitution of the Empire, Medals, which we have not finished, and Double Income Tax. The question of Refining of Metals within the Empire was raised yesterday at the Imperial War Cabinet, and, by direction of the Prime Minister, referred to the Conference for discussion, and on this the Minister of Munitions will be ready to attend and give us a memorandum. Then there are Imperial Military Training and the Prize Bill. These are subjects of which notice has been given or which are on the Agenda. Then we have to finish the Pacific discussion, initiated by Sir Joseph Ward and adjourned, and there is also the subject of the proposed Dominion House, which the Prime Minister of New Zealand has referred to once or twice.

Mr. MASSEY: That will not take long, I think.

CHAIRMAN: With regard to two or three of these questions I think it will be clear to the Conference that we shall have to await the decision of the War Cabinet upon them, and no doubt they will be taken very shortly so as to enable us to finish them. I think that will cover the Resolutions of to-day; they will have to be debated in the Cabinet before we can come to a final conclusion here. The President of the Board of Trade will say something about it presently. Then there is the one with regard to the Constitution of the Empire handed in by the Prime Minister of Canada.

Mr. MASSEY: Could we not have another day next week?

CHAIRMAN: As far as I am concerned, but General Smuts is going to France, and then he has to go to Edinburgh, and he will not be back. Sir Robert Borden also has to go to Edinburgh, and the Maharaja.

Mr. MASSEY: They could be back the same night from Edinburgh.

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ORDER OF BUSINESS.

[7th Day.]

The MAHARAJA OF BIKANER: We shall be back on the morning of the 12th.

CHAIRMAN: There is the Imperial War Cabinet on Thursday. We are going to sit on the Friday, and we could, if the Conference wish, sit on the Saturday, but that will be for the Conference to decide.

Mr. MASSEY: It might be a good thing to do so.

CHAIRMAN: We might sit on the Saturday morning.

Mr. MASSEY: Yes; we are not making very rapid progress.

Sir ROBERT BORDEN: I think we shall have to expedite the proceedings or else there will be a great deal undone. Possibly it may be necessary to determine which are the more important subjects for discussion.

Sir JOSEPH WARD: I propose to bring up two matters for the consideration of the Conference before it concludes, and I will at the same time draft a motion concerning them. One is the Imperial Development Board, which is a very important matter, upon which I think it would be valuable to have discussion at this Conference, and the other concerns Empire Cables and Wireless Communications, which I regard as of very great consequence for the future assistance and development of the Empire. I would like to hear expressions of opinion by the Members of the Conference upon these matters before its conclusion.

Mr. MASSEY: I have a Notice of Motion in connection with the matter which is really before the Conference at the present moment: "That the Imperial War Conference consider it desirable, with a view to prevent dumping or any other mode of unfair competition from present Enemy Countries during the transition period after the war, that the several Governments of the Empire which are reserving to themselves freedom of action in any particular respects take power to control the importation of goods originating in such countries into the Empire for a period of 12 months after the war." That is really intended to give effect to the opinion which was formed at the last meeting of the Conference. That is a Motion I intended to bring forward to-day.

CHAIRMAN: I do not know whether it is possible in any other way to expedite our proceedings, and whether, having regard to the limited amount of time, we should shorten our debates by circulating papers beforehand setting out the main facts of the case. Perhaps the Conference would care to consider that. I am so afraid that we may find at the end, as Sir Robert Borden has said, that we have several subjects left over which we have not had time to discuss, as members of the Conference are anxious to get away.

Mr. MASSEY: There will come a time when some of us must go.

General SMUTS: It seems to me that we have a number of subjects which could well be discussed to much greater advantage at an Imperial Conference after the war. If we restrict our attention to those matters which are really urgent, and which require immediate action when peace is made, we should let stand over a number of very important issues which are raised on our Agenda which could much more fully and adequately be threshed out at a Conference which is sure to follow the conclusion of the war.

Sir ROBERT BORDEN: I suppose this Conference while it is an Imperial Conference in the ordinary sense has nevertheless been called more especially for purposes connected with the war, and therefore it would seem, following the line of what General Smuts has said, that we should endeavour to regulate its proceedings in that way and leave for the consideration of a Conference to be called immediately after the war those matters which are undoubtedly of very great importance but which are not so closely connected with the purpose for which we have been summoned here as others may prove to be.

## Representation of India at Future Imperial Conferences.

See p. 15 of [Cd. 8566.].



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ORDER OF BUSINESS.

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Order of Business—*continued*.

CHAIRMAN: I have already called the attention of the Prime Minister to these two or three Cabinet questions, and I will indicate to him what the views of the Conference are, and get him to decide at a War Cabinet what their view is upon these; then as to anything which can be eliminated, if the Conference so desire we will make the necessary alteration. But there are some questions which other Departments tell me ought to be considered now, because, although action cannot be taken until after the war, it must be taken immediately on the conclusion of the war. They want to know the views of the Dominions before they can come to any conclusion on some of the questions they have dealt with and others which we have on the paper. Anything we can postpone, if the Conference so desires, we will, but now I think we had better go on to our business for to-day, and then I will circulate a Memorandum.

Mr. MASSEY: I hope we shall get through as much business as we possibly can because it is a very long way for many of us to come from the other side of the world, and unless some of these questions of very urgent importance are faced and dealt with there will be very considerable disappointment on the part of many of the people whom we represent.

## Restriction of Imports and Exports.

CHAIRMAN: Perhaps Sir Albert Stanley will begin. I understand you propose to postpone dealing with the Paris Resolutions.

Sir ALBERT STANLEY: What I should like to say is that I have had the opportunity of a rather informal discussion with the Prime Minister and some other members of the War Cabinet in connection with the Paris Resolutions, and they have suggested that it might be desirable that there should be a discussion at the Imperial War Cabinet upon these Resolutions as a whole. It has occurred to me that if that was done, and I think it is the wish of the members of the War Cabinet that it should be done, it might be desirable that this Conference should postpone dealing with any Resolutions which even might have a very remote connection with the Paris Resolutions until you have had that discussion at the War Cabinet. Of course, personally, it seems to me that quite aside from the Paris Resolutions, and quite independent of them altogether, it is necessary that some action should be taken for dealing with the question of imports, and, probably, exports, during what is known as the transitional period, which probably would be a short one, but it is for consideration whether, in view of the impending discussion on the Paris Resolutions as a whole, we should postpone until a future meeting dealing with any resolutions at this Conference bearing on the question of imports and exports.

Sir ROBERT BORDEN: We are all willing, I am sure, to fall in with any arrangement which may be found convenient. On the other hand, of course, we come here prepared to deal with certain matters of importance, and if in the final result we adjourn this matter the proceedings of the Conference will certainly not be expedited. I do think, Mr. Chairman, we should as soon as possible come to a definite conclusion as to what matters ought first to be discussed in the Imperial War Cabinet before they are considered and discussed here, and, with the least possible delay consistent with the very large amount of work which devolves upon all the members of the Cabinet and the Government, we should have that discussion in the Imperial War Cabinet in order that our proceedings here may not be delayed. I would have been prepared this morning to discuss a Resolution which has already been considered by the representatives of the various Dominions and which, with their concurrence, I shall bring before the Conference as soon as an opportunity may be available. It is desirable, perhaps, that I should give notice now, as apparently it is not thought best that we should proceed with the discussion to-day: "Having regard to the experience obtained in the present war this Conference records its opinion that the safety of the Empire and the necessary development of its component parts require prompt and attentive consideration as well as concerted action with regard

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[7th Day.]

Sir ROBERT BORDEN—*cont.*

to the following matters:—(1) the production of an adequate food supply and arrangements for its transportation when and where required under any conditions that may reasonably be anticipated; (2) the control of natural resources available within the Empire, especially those that are of an essential character for necessary national purposes, whether in peace or in war; and (3) the economical utilisation of such natural resources of the processes of manufacture carried on within the Empire. The Conference commends to the consideration of the Governments summoned thereto the enactment of such legislation as may assist this purpose."

CHAIRMAN: Sir Robert Borden gives notice of that Resolution, and, after it comes before the Imperial War Cabinet at the meeting which the Prime Minister proposes to hold for the purpose, we shall then be able to discuss it here and also to discuss the one to which I have already referred.

Mr. MASSEY: Is it proposed to drop the discussion and not go on with it now so far as trading matters are concerned?

CHAIRMAN: Yes. What do you propose to take instead, Sir Albert? The Trade Commissioner Service and Patents?

Sir ALBERT STANLEY: Yes, and probably we may have a general discussion on the suggestion for establishing some scheme whereby we shall have a more effective knowledge of the mineral resources of the Empire.

Mr. MASSEY: I have given notice of a Resolution which I really intended to move to-day.

CHAIRMAN: Is that the one you read just now?

Mr. MASSEY: Yes.

CHAIRMAN: We adjourn the debate on the Export and Import question, and proceed now with the question of Patents, &c., if that is your pleasure.

Sir ALBERT STANLEY: I do not know whether a Memorandum has been circulated to the members of the Conference dealing with the Trade Commissioner Service.

CHAIRMAN: Yes.

## Trade Commissioner Service.

(See pp. 16-20 of [Cd. 8566].)

## Patents and Trade Marks.

Sir ALBERT STANLEY: The next question is that of Patents and Trade Marks. I propose to deal with this matter very briefly. The Memorandum prepared by the Board of Trade<sup>\*</sup> simply sets forth the principal amendments which the Board of Trade consider desirable in the Patents and Designs Act of 1907. These proposed amendments to a certain extent arise out of the experience we have had during the war; still they are not altogether limited to that. We feel there are certain inherent faults in the present law which should be remedied at once. We place this Memorandum before the Conference with the suggestion that it might be given very careful consideration with a view, if possible, to try so far as we can to co-ordinate the different laws of the various Dominions. Mr. Temple Franks, the Comptroller-General of Patents, is here and if any member of the Conference would wish to ask questions on any point in this Memorandum I am sure he will be only too happy to give you any further information.

Mr. HAZEN: Mr. Chairman, this matter has been before previous Councils—I mean the matter of trying to have uniform laws throughout the Empire relating to Trade Marks, Designs, and Copyright and Patents. It came before the Colonial

\* See Memorandum printed on p. 285.



Mr. HAZEN—*cont.*

Conferences of 1902 and 1907. At the Conference of 1902 a Resolution was passed expressing the idea "That it would tend to the encouragement of inventions if some system for the mutual protection of patents in the various parts of the Empire could be devised. That the Secretary of State be asked to enter into communication with the several Governments in the first instance and invite their suggestions to this end." Nothing really came of that; there was communication and correspondence with the Governments of the Oversea Dominions, but no practical result came about.

At the Colonial Conference of 1907 again a Resolution was passed: "That it is desirable that His Majesty's Government, after full consultation with the Dominions, should endeavour to provide such uniformity as may be practicable in the laws for the granting and protection of Trade Marks and Patents." There was communication with regard to that too between the Government of Great Britain and the Government of Canada, whose position is what I now wish to refer to specially on this subject to-day.

Following that up, in the Imperial Conference of 1911 a Resolution was again passed: "That it is in the best interests of the Empire that there should be more uniformity throughout its centres and dependencies in the Law of Copyright, Patents, Trade Marks and Companies." There has been an outstanding divergence between the Acts of the United Kingdom and the Dominion of Canada in respect of patents in regard to two points which up to the present time the Canadian Government have not seen their way clear to give way upon, and which have always been stumbling blocks in the way of adopting uniform patent laws for the Empire, so far as Canada is concerned. They are matters that arise in consequence of the proximity of Canada to the United States. The outstanding divergence is in regard to the compulsory working and in regard to the importation of the patented invention. The other divergencies I think are of somewhat minor importance and might for the sake of uniformity be removed without serious difficulty. Now this outstanding divergence, namely, the difference between the Act of Great Britain and the Canadian Act is this: The Act of the United Kingdom provides that "At any time not less than four years after the date of a patent, and not less than one year after the passing of this Act, any person may apply to the Comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom"—that is, at any time after four years after the date of the patent, and not less than four years after the date of the patent. The Canadian Act provides that the "Patent and all the rights and privileges thereby granted shall cease and determine, and the patent shall be null and void at the end of two years from the date thereof, unless the patentee or his legal representatives, within that period or an authorised extension thereof, commence, and after such commencement, continuously carry on in Canada, the construction or manufacture of the invention patented, in such a manner that any person desiring to use it may obtain it, or cause it to be made for him at a reasonable price, at some manufactory or establishment for making or constructing it in Canada." That means that in Canada if within two years after the patent is granted the work of manufacturing that article in Canada is not carried on, then the patent ceases to have any effect. In Great Britain, on the other hand, you can go for four years after the date of the patent, and at any time not less than four years after the date of the patent any person may apply for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom. Then the Comptroller has power to consider the application, and if after inquiry he is satisfied the allegations contained therein are correct and unless the patentee proves that the patented article is manufactured or carried on to an adequate extent in the United Kingdom, then the patent can be revoked.

There is the further provision in the Canadian Act that if after the expiration of 12 months from the granting of a patent the patented article is imported into Canada, then the invention for which the patent is granted shall be void as to the interest of the person or persons so importing or causing it to be imported. The object of that provision is, of course, to compel the manufacture of the patented article in Canada itself. The reasons that are peculiar to Canada for this strict

Mr. HAZEN—*cont.*

provision are, that about seventy per cent. of the Canadian patents are taken out by citizens of the United States, and it is thought that in consequence of the proximity of the two countries they would, were it not for the strictness of these provisions, manufacture the patented invention with their own plant and export it into the Dominion, and no benefit would be derived by Canada from the granting of these patents. On these two points the Canadian Government up to the present time has not seen its way clear to give way. Apparently they regard their own limit as of very great importance here in the United Kingdom, and there cannot be any uniformity along those lines unless some agreement can be come to with respect to it which up to the present it has not been found possible to arrive at.

With regard to the question of patents, since the outbreak of the war the Board of Trade in Great Britain have made orders respecting patents in consequence of conditions that arose owing to the war. Those orders I may say have been in substance adopted in Canada by Orders in Council, and the procedure with regard to dealing with patents of alien enemies, extending so far as granting relief from working requirements, &c., is practically the same now during the period of the war in the United Kingdom and in Canada, as Canada has adopted the regulations formulated and prepared by the Board of Trade.

But Canada has not followed the practice of the United Kingdom in regard to enemy trade marks, for this reason: "No action has been taken under 'the War Measures Act' to suspend or cancel trade mark registrations standing in the name of alien enemies, as the use by a Canadian of the trade mark of a foreigner would lead the public to believe that they were obtaining the imported article when, as a matter of fact, they were being supplied with a Canadian substitute for such article, and consequently it was felt deception would arise. Applications for registration of trade marks received on behalf of alien enemies are filed, and further action upon such applications is suspended until after the termination of the war." So at the present time no alien enemy can register a trade mark in Canada. "The same practice is followed with regard to assignments of trade marks, either to or from alien enemies, which are tendered for registration."

The question of assimilation of the laws with regard to trade marks does not seem to present the same objections as far as Canada is concerned. I may say in passing, however, that I have a Memorandum here, which I can only briefly allude to, which has been prepared by the Deputy Minister of Agriculture. I may say that the Minister of Agriculture in Canada is the Commissioner for Patents, and the Patent Act is administered very largely by the Deputy Minister of Agriculture, who acts for the Minister as Commissioner of Patents. I have a Memorandum prepared by him showing the differences between the United Kingdom Act and the Canadian Act, and in almost every case he regards the Canadian Act as being superior. He says: "In the United Kingdom the person who is the first to introduce an invention from abroad is considered the inventor of it and may obtain a patent for it. In Canada only the actual inventor, or his lawful representative, can obtain the patent;" and then he decides that we would probably prefer our own provision. He says: "In the United Kingdom the records of the United Kingdom Patent Office for fifty years back are examined. If anticipation is therein found, and upon notice the objection is not removed by applicant, the patent is not necessarily withheld, but may be issued with a reference to the anticipation stamped thereon as a notice to the public. In Canada the examination is unlimited. If anticipation be found the application is rejected. Something may be said in favour of the United Kingdom system, but I am not prepared to say we could adopt it with advantage. *Caveats*: Of the whole Empire Canada alone retains the caveat. It is made use of to a great extent and I would not favour its repeal." Then he deals with other questions, such as Applications for Patents, Opposition to the Grant of Patents; and under Duration of Patents he says: "In United Kingdom the term of a patent is fourteen years, and that may be extended by the Patent Office. In Canada the term is eighteen years with no power whatever of extension." Mr. O'Halloran continues: "It may be safely said that we are not in favour of empowering the Patent Office to extend the term of a patent." Then there are questions about fees, and so on.

I have just quoted that to show the very considerable differences which prevail with regard to patents in Canada and in the United Kingdom. Up to the present



Mr. HAZEN—*cont.*

time, though this matter has been considered by different Canadian Governments, the two provisions I first referred to with regard to compulsory working and the importation of the patented invention have been considered insurmountable difficulties in the way of making our Act uniform with the Act of the United Kingdom.

With regard to Trade Marks there does not seem to be the same kind of difficulty. I do not think it would be impossible to get uniformity although there are some differences between the British and the Canadian Act. I have a Memorandum here from Mr. Ritchie, the Registrar of Trade Marks, in which he sets out the principal differences and the principal points which he thinks should be discussed at the suggested Conference of representatives of the Self-governing Dominions, should it be decided to hold such a Conference. This has reference to Resolution XIII. of the Colonial Conference of 1907, which is as follows: "That it is desirable that His Majesty's Government, after full consultation with the Self-governing Dominions, should endeavour to provide for such uniformity as may be practicable in the granting and protection of Trade Marks and Patents." Mr. Ritchie's comment upon this is: "The despatch, dated 5th March 1909, suggests the consideration whether it would not be desirable, in order to attain the desired uniformity, to assimilate the legislation of Canada to the Imperial Trade Mark Act of 1905 as far as circumstances permit." Then the Commissioner points out what the points are. It seems to me from a perusal of his Memorandum that there would be no great difficulty in assimilating the legislation of Canada to the Imperial Trade Mark Act; it could be done very largely, and I will not take up the time of the Conference with further reference to the matter.

So far, however, as copyright is concerned, attempts have been made to deal with this matter in the past.

Sir ROBERT BORDEN: We are not going into the question of copyright just now.

Mr. HAZEN: Then I have dealt with the two matters with regard to Patents and with regard to Trade Marks, and while as I say on three different occasions this matter has been grappled with by different Conferences, nothing practical has ever resulted from it, and I do not think the Government of Canada would be any more disposed now than it was when the matter was considered previously to change what it considers, having regard to its proximity to the United States, are provisions that are absolutely necessary in the Patent Act of the Dominion of Canada.

Mr. MASSEY: If the Conference met annually this matter would be regarded as a hardy annual, but the Conference does not meet annually; it meets when it is convened. The Imperial Conference is supposed to meet once in four years, but in spite of this proposal having come before previous Conferences I do not see, after what has been said by Mr. Hazen, that we can arrive at any definite conclusion with regard to it. It seems to me, however, that the proper and businesslike thing to do would be for the Board of Trade to communicate with the Dominion Governments each in its own country and the matter would then be referred to the Minister in Charge of Patents and Trade Marks and by him referred to his experts, the officers in his department, who would be able to express a definite opinion upon the proposals that are now put forward by the Imperial Government, though really by the Board of Trade. For myself I am bound to say I am not prepared to express a definite opinion on any of these proposals because I cannot claim to be acquainted with them, but I do say that if the proposals are forwarded to the New Zealand Government, I, speaking as head of that Government, will take care that they are properly considered, and if we can give effect to any of them by legislation we shall be only too pleased to do so. That is as far as I can go at the present moment.

Sir ALBERT STANLEY: It is quite clear that this problem bristles with many difficulties and is exceedingly complicated, and we should not wish under the circumstances to go beyond what you have said. We will circulate this Memorandum.

Sir JOSEPH WARD: Do you propose to legislate?

Sir ALBERT STANLEY: Yes, we do.

Sir JOSEPH WARD: I think the course suggested by Mr. Massey is the correct one. I believe this legislation should go on the Statute Book in this country. It is not in existence in our countries. We have all sorts of problems with regard to patents and we have to deal with them locally. For instance, take a patent in operation for fourteen years which is protected by a person who makes a sub-sale to somebody in New Zealand, but withholds putting it into operation unless he can get a very extravagant price for the patented article locally in New Zealand and other countries. The result would be that a very valuable article for agricultural interests, or for machinery purposes or for trade, could not be utilised because they will not sell it except at twenty-five per cent. or thirty per cent. beyond its value. In our country we act upon this line,—and probably we would do it again—that after a period of years we cancel the patent unless the proprietor of the patent outside the country acts in a reasonable way. We are dead against the continuance of a patent on the record for fourteen years from which people are getting no benefit at all, and which the patentee very often will not allow to be used in the country unless he gets extravagant prices from the people to whom he wants to sell it. If it were possible in this Bill to make some provision for the cancellation of an original patent if it were proved by any of the Overseas Dominions that the original patentee wanted to extract an extravagant price for the sub-sale of his patent, that would be invaluable and would help us to co-ordinate in many ways. I am not referring to the two points which were dealt with by Mr. Hazen which have special application to Canada. If what I have outlined with regard to New Zealand could be done, it would be invaluable.

This question of the Patent Law from the point of view of the centre of the Empire and of the oversea countries is most important and is very far reaching in its effects. We want some protection against the avaricious patentee who wants to continue to make a fortune out of people at higher rates than he ought to charge, particularly beyond the shores of the Motherland. In New Zealand we have discussed more than once—and I am not sure if we did not introduce legislation for it—the cancellation of the right of any patentee to go on holding his patent in our country unless the patent was put into operation there for the use of the people at reasonable rates.

Sir ROBERT BORDEN: Would it not be worth while to call together the departmental experts of the various Dominions for the purpose of considering whether it is possible to arrive at uniformity in this respect? I am quite sure that any discussion around this table would never result in that or make any appreciable progress towards it. I do not know whether it is possible that such a consultation would bring about that result, which from the broad point of view is, of course, desirable. Has that been under consideration by the British Government or by the Board of Trade?

Mr. HAZEN: On the 22nd February 1910 the Canadian Government passed an Order in Council dealing with this matter in regard to a proposition that was made, that there should be a conference to consider it, with a view to the different countries of the Empire meeting: "The Minister of Agriculture further points out that it is not proposed to consider at the Conference any changes in the Imperial Acts in order to meet conditions in the Empire outside of the United Kingdom. He has carefully examined the memoranda submitted, and finds that while there might be no objection to a few of the provisions of the Imperial Acts, which possibly might prove superior to the corresponding provisions of Canada's Acts, these provisions are of comparatively minor importance, and he does not consider that the advantage that might be obtained from their adoption would off-set the inconvenience to the public in the administration of the laws that the changes in Canada's Acts would necessitate. He is, therefore, of opinion that it would not be desirable in the circumstances to summon a Conference of representatives of the Self-governing Dominions to discuss the subjects proposed. The Committee, on the recommendation of the Secretary of State for External Affairs, who concurs in the views of the Minister of Agriculture, advise that Your Excellency may be pleased to transmit an answer in the sense of this Minute to the Right Honourable the Secretary of



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Mr. HAZEN—*cont.*

State for the Colonies for the information of His Majesty's Government." They put it clearly on record against having any conference on the subject.

Sir ROBERT BORDEN: But he puts forward his objection on considerations which might not eventually prevail.

Mr. HAZEN: That is true.

Sir ROBERT BORDEN: He says the proposal was to preserve the Imperial legislation and to bring the Dominions legislation into conformity with it.

Mr. HAZEN: Yes.

Sir ROBERT BORDEN: That proposal might not be acceptable, whereas it might be acceptable if we approached the question from another standpoint, by getting the best expert advice from the Mother Country and the Oversea Dominions, to ascertain whether or not, without accepting any legislation as the standard, it would be possible to secure uniformity.

Mr. CHAMBERLAIN: His Majesty's Government cannot expect all the Dominions to meet our representatives on the basis that whatever is in our Act is like the laws of the Medes and Persians. You can only have a conference on the basis of give and take with the possibility of give and take, and it is as much open to the Conference to assimilate our legislation to that of the Dominion legislation as the Dominion legislation to ours. Is not that so? I thought if the Board of Trade would perhaps accept that provision, which I am sure is their position, it would facilitate matters. I notice the Board of Trade make no answer to the suggestion of Sir Robert Borden.

Mr. HAZEN: Is there any great grievance that results at the present time because these laws are not uniform, and is there any reason why every time this Colonial Conference meets this matter should be brought up, resolutions passed, and nothing done about it, which tends to give the impression that the Conference has so little to do that it is looking round for business? What is the great necessity for the assimilation of these Acts? Whose interests are suffering in consequence? That is what I would like to ask.

Sir H. LLEWELLYN SMITH: If I may explain, we have brought it up on this occasion because, owing to the experience we have gone through during the war of the abuse of our Patent laws by enemy subjects, it has become urgently necessary to have a big and sweeping reform of the United Kingdom law. We have discussed with some of the technical delegates of our French and other Allies the measures that we have in mind. It was not possible at that time to discuss it with the Dominion representatives because they were overseas, but at the earliest possible moment we thought it our duty to put before this Conference the outline of the proposals which, as at present advised, we think necessary for the United Kingdom, and a précis of the report of the Technical Conference which was held at Paris. It is for the information of the Conference and for any action that they may think desirable upon it. We feel it absolutely urgent as a war measure to get armed with legislation, but we should very much prefer, of course, to carry as many parts of the Empire with us as is possible. In answer to Mr. Hazen I think that is the reason why it comes up now. It is not primarily a revival of the old resolution in favour of uniformity, but it is commending to this Conference a project of reform which will suit the United Kingdom, and we are asking them whether it will also suit other parts of the Empire.

Sir ROBERT BORDEN: As I understand, there is a proposal here to alter the Patent law of the United Kingdom and the Trade Marks law in important respects.

Sir H. LLEWELLYN SMITH: Yes.

Sir ROBERT BORDEN: It is desired, I suppose, to have uniformity as far as that may be possible.

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Sir H. LLEWELLYN SMITH: That is desirable.

Sir ROBERT BORDEN: The only practical way of getting that result is by the method I suggested a moment ago, that is by forwarding copies of the proposals here to the Governments of the Overseas Dominions in order that those proposals may be considered by experts who have knowledge of the whole subject which I do not possess, and which I assume nobody sitting round this board possesses.

Mr. HAZEN: As I say, it is highly technical.

Sir ROBERT BORDEN: The whole question is highly technical, and the Government of the United Kingdom and the Governments of the Overseas Dominions must, to a very large extent, be guided by the judgment of experts who have made this subject a study, and who know all the difficulties that any change in the law may involve. I would be prepared to support a proposal, if any resolution is necessary, that some such course as that should be taken.

Mr. MASSEY: When war broke out I got the impression that the Imperial Government proposed legislation dealing with patents belonging to persons who were citizens of enemy countries.

Mr. HAZEN: That was a regulation.

Sir H. LLEWELLYN SMITH: It was only temporary emergency legislation which will expire with the war.

Mr. MASSEY: It lasts during the war period.

Sir H. LLEWELLYN SMITH: That is right.

Mr. MASSEY: We in New Zealand passed legislation dealing with the same subject giving us power to deal with, and cancel if we thought proper, patents from enemy countries, and I think I am right in saying action has been taken in our country in that respect. The Government reported to Parliament during last Session and I know something has been done, but I am not quite clear about the details. I am going to move: "That the Imperial War Conference commends the recommendations of the Board of Trade in the Memorandum on Patents and Trade Marks to the careful consideration of the several constituent Governments of the Empire."

Sir JOSEPH WARD: I think there ought to be something added to that. In my opinion what the Board of Trade is doing here is right, and it would be a good thing if it had the endorsement of this Conference, and then we referred it to our respective Governments for consideration. I want to be in a position—and I think it is the better position to be in—of affirming the course taken by the Board of Trade here, and to express our willingness to consider the alteration of the legislation when it is on the Statute Book here and is referred to us.

Sir ROBERT BORDEN: I understand the Board of Trade has simply prepared legislation, and brought it to the attention of the Conference.

Sir JOSEPH WARD: Yes. As you know, Sir Robert Borden, there are a number of other countries which have willingly assented to the proposals being made and I think we ought, from the point of view of the Imperial War Conference sitting here, to show that they have our good will, and that we are quite prepared to consider the proposals, although we cannot pledge ourselves to introduce legislation on exactly the same lines because we must consider our local requirements.

CHAIRMAN: What the Board of Trade would desire, if the Conference see fit to do it, is that this Conference should express their general approval of the suggestions made by the Board of Trade. I do not mean definite detailed approval.

Mr. HAZEN: We do not understand what those suggestions are.

CHAIRMAN: What has been already suggested is, not approval of express provisions made, but of the suggestion of the Board of Trade that these matters should be considered by the Dominions. They offer no obstacle to your own legislation; they do not want to commit the Dominions at all. Can the Board of Trade go on with their Bill?



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Mr. MASSEY: Certainly; we, of course, cannot interfere with any legislation proposed to be submitted to the British Parliament, but we commend the proposals to our respective constituent Governments and Parliaments for consideration.

CHAIRMAN: That is all the Board of Trade want.

Sir ALBERT STANLEY: We only want to know if the Conference take no objection to the course we propose to pursue.

Sir ROBERT BORDEN: It is really a question of domestic legislation as far as you are concerned, is it not?

Sir ALBERT STANLEY: Practically that is what it comes to.

Sir ROBERT BORDEN: I do not quite see why we should be called upon to either commend or criticise on a question of domestic legislation here.

Sir JOSEPH WARD: It is domestic to this extent, that a great many of the patents that will be produced in this country, or the articles made under them, are going out to your country and to our country too, and if we reserve the right to legislate upon this matter as we think proper, that is no reason why, in view of the fact that there has been a Conference held here to which the signatories are attached which are before us, we should not commend that legislation.

Sir ROBERT BORDEN: Do you refer to the Paris Conference?

Sir JOSEPH WARD: To the special meeting of Technical Delegates.

CHAIRMAN: It was a meeting held at Paris. I think what is in Mr. Massey's resolution is really all we want.

Sir H. LLEWELLYN SMITH: Absolutely.

Sir JOSEPH WARD: Belgium, the United Kingdom, Italy, France, Portugal, Russia, and Serbia have all attached their signatures.

Sir H. LLEWELLYN SMITH: I do not think you could say that all those countries have endorsed all the proposals which we are going to put into our Bill. They were represented there by their technical experts, but it would be going too far to say that there was a general agreement on all the subjects. I would not like to mislead the Conference.

Sir JOSEPH WARD: No, I did not say that. It was all with a view to legislation.

Sir ALBERT STANLEY: I think that resolution which has been suggested would assist us.

Mr. MASSEY: That is in accordance with the view I expressed.

CHAIRMAN: Do you move it?

Sir ROBERT BORDEN: I am not prepared to accept that without further consideration.

CHAIRMAN: I will read it: Mr. Massey moves, "That the Imperial War Conference commends the recommendations of the Board of Trade in the Memorandum on Patent and Trade Marks to the careful consideration of the several constituent Governments of the Empire."

Mr. HAZEN: What are the recommendations we are commending?

Sir ROBERT BORDEN: That is what I want to know.

Mr. MASSEY: We commend them for consideration.

Mr. HAZEN: But what are they?

CHAIRMAN: They are on pages 2 and 3 of the Paper, Appendix I.

Sir JOSEPH WARD: This is not commending it for approval, but for careful consideration.

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CHAIRMAN: That is all—"To the careful consideration of the several constituent Governments of the Empire."

General SMUTS: I think it is quite safe, Sir Robert; it is only a matter of courtesy.

CHAIRMAN: It is only for consideration.

General SMUTS: Yes, it is a matter of courtesy. Of course the proposals deserve careful consideration.

CHAIRMAN: It is only really for consideration. It leaves the hands of the Dominion Government perfectly free, and of all the Governments perfectly free.

General SMUTS: Yes, but at the same time it enables the Imperial Government to go on with the proposed legislation. As a matter of courtesy they bring the matter which they want to raise in Parliament first before us, and I think it is only a matter of courtesy for us to reply in that way.

Mr. HAZEN: I do not think there is any harm in that. It simply asks us to consider it.

Sir ROBERT BORDEN: Yes.

Mr. HAZEN: Still it would be better if something could be done along the line which Sir Robert Borden suggests, that the men who are technical men, and who deal with the Patents Act in the different Dominions, should get together and consider it in some way or other.

Mr. ROGERS: The resolution opens the door for that.

Mr. HAZEN: I suppose it does.

CHAIRMAN: May I put it?

"That the Imperial War Conference commends the proposals of the Board of Trade in the Memorandum upon Patents and Trade Marks to the careful consideration of the several constituent Governments of the Empire."

The word "Proposals" has been substituted for the word "Recommendations."

[AGREED.]

#### Control of the Export of certain Commodities after the War.

CHAIRMAN: Is there any other question which the President of the Board of Trade wants to suggest now? The Third Memorandum prepared by the Board of Trade deals with the part of the discussion we have decided to postpone so far as it relates to minerals.

Mr. MASSEY: I think it is important to discuss it.

CHAIRMAN: The title of the Memorandum is: "Control of the Export of certain Commodities after the War." What the President of the Board of Trade suggests is, that the Conference might like to have a short discussion on subsection (2), "Ores and Metals," which is part of the same subject, of course.

Sir ALBERT STANLEY: I think it is desirable to postpone this until after its consideration by the War Cabinet.

Mr. MASSEY: It is a very important paper.

Sir ALBERT STANLEY: Very important indeed.

CHAIRMAN: Yes, it is very important.

#### Imperial Mineral Resources Bureau.

Sir ALBERT STANLEY: In connection with minerals there is a point which, I think, requires very careful consideration by the Conference. Whether this is an opportune time to raise it or not, I am not quite clear, because so much hangs on the War Cabinet consideration, but the experience we have had in this war has disclosed to us quite clearly the very serious fact that we have no central organisation—in fact, we have no means—whereby we can determine, not only the mineral resources of the Empire, but also the requirements of the Empire in respect of metals. There is no doubt that in each of the countries there is a great deal of very important work being



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done in that connection, very extensive surveys have been made in some of the countries, but there is no machinery, no central organisation whereby that information is collected, brought into statistical form, so that it can be used not only with respect to any one country but with respect to all the countries as a whole. During the whole of this war we have found that an enormous difficulty, and we have in the past very largely depended upon private sources and private business for this information. A good deal of that information was controlled by our present enemies, and it probably cannot be accepted as being altogether accurate.

Sir ROBERT BORDEN: Should not that information be collected by the extension of the Trade Commissioner Service which you have mentioned already?

Sir ALBERT STANLEY: It does arise in connection with what Sir Joseph Ward has hinted at this morning as to some Imperial Development Bureau, but whether you discuss that this morning or postpone it to some other time is a question.

Mr. MASSEY: Have we anything to go on with?

CHAIRMAN: I do not think we have, unless you wish to bring forward one of these other motions. The Board of Trade have finished their agenda.

Mr. MASSEY: I do hope something will be done with regard to the Information Bureau proposed to be established. I ought to say that the Munitions Department, from the information conveyed to me, and I believe correctly, have had a very great deal of difficulty in finding the necessary help for the manufacture of the different varieties of steel required in munition works. I believe in several of the countries of the Empire there are deposits of the very metals they require, but we do not seem to have sufficient information to go upon. Only yesterday, I was asked for information with regard to two metals which I know exist in New Zealand and which are required for steel making purposes, but I do not know, and I am not prepared to say, that they exist in sufficient quantities to enable us to export those metals to Britain for the purposes for which they are required at present. This is the point I am coming to: If we had that Information Bureau, of which we have been speaking, it would be their business to know about these things. I can find out, but it would take two months to get samples of the two metals about which enquiries were made over to the United Kingdom, and by that time it might be too late to do anything with them during the present war period. I am speaking of molybdenite and manganese, two metals which are essential to the manufacture of a particular quality of steel. I give those as an illustration of the need that exists, and I hope this very important point will not be lost sight of and that something in the nature of an Information Bureau will be established in Britain so that the Empire may be possessed of all the information necessary to carry on successfully such works as they have to undertake during the war period.

Sir ROBERT BORDEN: I think in Canada we have fairly accurate information with regard to our mineral resources so far as it has been possible to explore such an enormously large territory. The Geological Survey of Canada has been engaged in that work for a great many years and I believe it is fairly well organised, and that the information at its disposal is quite comprehensive. I do not know to what extent this work has been carried on in the other Dominions. As to requirements, the situation, of course, is not so satisfactory, because I suppose there was no attempt, up to the commencement of the War, to make a comprehensive survey of the requirements of the whole Empire, and to determine the extent to which they could be supplied in Canada. Of course, in Canada, we labour under the disadvantage that certain minerals produced in our country are refined in the United States. Steps have been taken since the opening of the War to correct that. For instance, with regard to the refining of nickel, a company in New Jersey which has been producing nickel matte in Canada and refining it in New Jersey, is now engaged in constructing very large plant in Canada capable of refining all the nickel which will be required for the British Empire in the future. With regard to copper and some other minerals the situation is very much the same; they are produced in Canada, but they are refined in the United States. Since war broke out

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steps have been taken by the Canadian Government in connection with the Imperial Munitions Board to correct that to a certain extent. I believe that work can be carried on to a greater extent in the future than has been possible during the war.

Sir JOSEPH WARD: Are we going to discuss it now?

Sir ALBERT STANLEY: If it can be discussed from that point of view—the need of having some Central Bureau which would obtain all this information from all the Dominions—I think it might serve a very useful purpose. It is quite clear that it is a problem which does require very careful consideration, and certainly some steps will have to be taken to meet the obvious position. We cannot continue for the future to do as we have done in the past, and suddenly find ourselves in a great emergency completely at sea. We have undoubtedly been lulled into a false security. The facilities we had for securing metals up to the outbreak of war were so easy that we have really neglected what should have been done; that is, to make quite certain of the sources from which these metals came and be quite certain, if those sources were in any way impaired or cut off entirely, that we had a substitute for them. That is what has happened—certain very essential matters for military purposes were obtained from sources which were cut off. Undoubtedly within our Empire there must be facilities for replacing those essential matters, but it is very difficult to get the requisite information; it takes a long time. Months and months might be spent without anything being done, whereas if we had a Central Bureau which would have all the information which is being secured in all the different constituent parts of the Empire, we should not only have information with respect to the mineral resources of the Empire but also information which would make it quite clear what the needs of the Empire were both for economic and military purposes. It would enable us to be advised in time of our weakness and be in a position to take steps to remedy it. For instance, as Sir Robert Borden points out, we find that the raw material obtained in Canada goes to a foreign State where it is refined before it comes to this country. The United States is a friendly country; it might have been an enemy country, and then we should have had great difficulty in dealing with it. With a knowledge of that position, which only arises out of the war, steps are being taken, as Sir Robert Borden points out, to secure us against that danger. That, however, is only true of one thing. There are many other things to which the same considerations apply. Of course there is a bigger question as well—the big trade problem of developing our own resources. No doubt a great scramble is going to be made, and is being made, by a great many interests to secure the control of raw material. Vast purchases are being made by different interests, not only German interests, but American interests in particular. We have to face that, and therefore it does seem to me it is absolutely imperative for our safety that we should have a knowledge of what our resources are, where we are strong and where we are weak, and take any necessary steps to remedy the position.

Sir JOSEPH WARD: I think that is most important, and that the Information Bureau would be invaluable. There can be no doubt that the War has taught us what the superlative value of the metal world is, and the attitude that Australia adopted, after this war started, alone shows to what extent the enemy had got into the very bowels of the earth there through private firms with a view to diversion from us of what is essential in this War for the supply of munitions. At the same time there ought not to be any differentiation against any country which is sending metals here under the compulsory power of legislation by all the Oversea Dominions so as to put them at a disadvantage compared with what I call the supply of metals from the interior of England itself. Now I believe there is ground to suppose that that has occurred. It has caused some friction and some feeling. I have had representations made to me about it as far as New Zealand is concerned in the matter of scheelite and molybdenite. I take the opportunity of referring to this only to show that there are difficulties under existing conditions. In the case of scheelite the complaint made by those concerned is that they are getting a great deal less for it than is being paid for it here at home. I think it is sufficient to call attention to the matter, because if that is so we want to remember the point in the future.



Sir JOSEPH WARD—*cont.*

I think we should conserve the whole of the metals of the Empire for the uses of the Empire even if we have to make an exchange of some of those metals with other countries to get some of those we cannot obtain in our own Empire. For instance, if we could not get copper within the various parts of the Empire and we had the advantage of possessing other metals, then there is no earthly reason why under a proper co-ordinated system here with an Information Bureau in operation there should not be a central place where the exchange of articles we have could be made for the articles we do not possess. After this war is over some of the enemy countries will probably be falling back on the mercantile world even in this country for the supply of some of these metals which are so essential to them, and it looks to me that if we are going into it from the point of view of furnishing information to an Information Bureau with a view to controlling the metals necessary in the interests of the Empire itself, we want at the same time a system of State purchase as against those private firms which Sir Albert Stanley referred to as apparently the only sources of information now available, and which are apparently owned by enemies. We want to be sure at the same time that we do not leave the door open for what I would call any well-grounded belief that there was any differentiation. I take the opportunity of referring to this matter because I do not know under what department the matter is controlled in Britain, but I know it is a source of some feeling at the present moment.

Sir ALBERT STANLEY: We will certainly make a note of that. I should have liked to have Dr. Addison here, and I know he would have wished to come.

General SMUTS: He told us that he wanted to raise this point.

CHAIRMAN: He is going to raise the whole question on a Memorandum which will be circulated.

General SMUTS: The matter is partly covered by the resolution that Sir Robert Borden gave notice of just now.

CHAIRMAN: Yes.

Sir ROBERT BORDEN: It is only covered in a general way.

Mr. MASSEY: One of the difficulties is that while information has been supplied from time to time by the different countries with regard to the ores or the minerals which they own, it seems to be nobody's business to collect that information and keep it together. I have personal knowledge of the fact that the Imperial authorities were informed more than once of what we possess in the way of manganese. I cannot speak as an expert and I have no personal knowledge of the thing at all, except that I am prepared to say that in different parts of New Zealand there are very extensive deposits of manganese, and the attention of the British Government has been called to that several times, and yet I discovered yesterday that nobody seems to know anything about it. I am not prepared to affirm positively whether that material will stand the freight between New Zealand and this country, and nothing but experiment can tell. I can say nothing about the quality, but only that the deposits are there and worth looking into, especially at a time like this. It is the same with molybdenite; the deposit is in a very rough country and a road will require to be made if it is to be got out, and that road will cost several thousands of pounds in order to get the mineral down to the seaboard. I believe in the way of possessing information with regard to its resources Britain is behind other countries. Since I have been in London a gentleman came to see me with regard to a block of land in which he is interested in New Zealand in mineral-bearing country. I know of the block of land, though I have not been there. It contains coal and it is adjoining a very important iron deposit. This gentleman told me that two or three months before the outbreak of war he was approached by an agent of the German Government asking him to put a price upon the block of land with a view to purchase. It is quite evident that they knew the value of it for mineral purposes, though, of course, even if they had purchased it

Mr. MASSEY—*cont.*

we would not have allowed them to make use of it during the war period—it is not necessary to say that—but the fact of their making enquiries from the man who had the largest interest in it showed that they were possessed of intimate knowledge of the value of the land from a mineral-bearing point of view; and Britain ought to be able to get into quite as favourable a position so far as information is concerned.

Sir ROBERT BORDEN: I venture to say that Germany has to-day more thorough and systematised knowledge of the mineral resources of the British Empire than is possessed anywhere within the Empire itself. To show you how thorough they are in every respect I may mention an incident that was brought to my attention immediately before I sailed from Canada—in fact the very day on which I sailed. The manager of a very large company which is engaged in the production of steel and which has iron deposits in Newfoundland, told me that he visited Germany just before the war, and he went to see one of the managers of the great Krupp works—I think his company used to sell ore to Krupp's before the war—and there some question arose as to the extent of the deposits, and he was very much astonished when this gentleman rang a bell, called a clerk, and showed him on a plan the latest developments in his Company's workings up to about six weeks or two months before—a thoroughly accurate plan, and so accurate that it contained some particulars of which he himself, although he left Canada only about six weeks or two months before, was not aware. He inquired how this information was obtained and he received some evasive answer; the manager simply said they made it their business to know what was being done in various parts of the world with regard to the production of minerals, and so on. The German consuls in Canada were required to send their Government every year, perhaps oftener, the most minute particulars with regard to natural resources, facilities for shipping, transportation, manufactures, agriculture, and other production, and many other matters; it is well known that information so obtained was co-ordinated and put in tabular form so as to be available at an instant's notice, and in that way Germany obtained knowledge useful for exploiting the minerals and other natural resources of this Empire, while we have not been alive to our advantages or opportunities. I do think the Trade Commissioner Service which is proposed might be of great advantage if it included the collection of all such information which could be co-ordinated here, and placed ultimately at the disposal of the various Governments of the Empire.

Sir ALBERT STANLEY: This is only one phase of this great problem which will no doubt be discussed more fully later on in all its aspects. If it is the wish of the Conference that a resolution should be considered now dealing with this particular point, I should be prepared to move this one: "That it is desirable to establish in London an Imperial Resources Bureau, upon which should be represented Great Britain, the Dominions, India and other parts of the Empire. The Bureau should be charged with the duty of collecting information from the appropriate departments of the countries concerned, and other sources regarding the mineral resources and the metal requirements of the Empire, and of advising from time to time what action, if any, may appear to be desirable, to enable such resources to be developed so as to meet the metal requirements of the Empire."

Mr. MASSEY: What is meant by the representation of the Dominions?

Sir ALBERT STANLEY: "Upon which should be represented Great Britain, the Dominions, India and other parts of the Empire."

Mr. MASSEY: Would it be necessary for each of the Dominions to send a man to represent its interests in connection with this Bureau? Is that what is intended? Every Dominion has representation by the High Commissioner and his staff, which is specially selected, or a great many of them are, because they have a particular knowledge of the country whose interests they are supposed to represent. I think the High Commissioner in most cases, or the Agent General as the case may be, would be sufficient for this purpose, without having a staff of men from this country specially appointed.



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Sir ROBERT BORDEN: I think it is merely suggested that there should be representation, and it would be quite feasible to appoint the High Commissioner or some other person to represent the Dominion.

Mr. MASSEY: Or a member of his staff.

Sir ROBERT BORDEN: Or a member of the staff.

Sir GEORGE PERLEY: I should like to ask whether the gathering of this information is not one of the things with which the Imperial Institute is supposed to be charged. The Imperial Institute has been reorganised lately under the regis of the Colonial Office, and the High Commissioners are members of that organisation. I would like the President of the Board of Trade to tell me whether one of the functions of the Imperial Institute is not the very gathering of this information.

Sir ALBERT STANLEY: This resolution does not preclude the Imperial Institute from dealing with this problem. I think it requires very careful consideration what particular machinery should be set up for the purpose.

CHAIRMAN: All your resolution does is to affirm the desirability of having some central body whose business it is to do these things. I had made a mental reservation about the Imperial Institute, but I did not propose to mention it here, but to discuss it with the representatives of the Board of Trade who do a part of that work.

Sir GEORGE PERLEY: I regret to say I have not had time to attend many of the meetings of the Imperial Institute, but it seems to me that this body which it is suggested might be set up here would be distinctly of the same character as the Imperial Institute, as I understand their functions.

CHAIRMAN: I do not think they deal with the metal requirements of the Empire. What they deal with as far as I know is the sources of supply, &c., and they have exhibitions. I do not think they have any means of ascertaining what the requirements of the several parts of the Empire are in regard to these minerals.

Sir GEORGE PERLEY: Do they not gather and collate the information?

CHAIRMAN: Yes, they do.

Sir GEORGE PERLEY: Are they not supposed to have it in such a shape that they can answer questions?

CHAIRMAN: Yes, I think so.

Sir GEORGE PERLEY: And to give all kinds of information?

CHAIRMAN: I am not very familiar with their work yet, as I have not been able to pay close attention to that branch of my department.

Mr. CHAMBERLAIN: It is trying to do more effectively and on a larger scale what has been done hitherto. Lord Islington, who is Under-Secretary at the India Office, and who has been Under-Secretary in this Office, has taken great personal interest in it and is very hopeful of the results of the work it is at present setting out to do.

CHAIRMAN: He is Chairman of the Council.

Mr. CHAMBERLAIN: Yes.

Sir ROBERT BORDEN: Lord Islington spoke to me on the subject, and he explained that the work of the Imperial Institute had been reorganised since about a year ago, and that they had hardly had an opportunity yet to show what could be accomplished, but he was very confident that valuable work had been done during the year, and that still more valuable work could be done by the Institute in the future. He expressed the hope that no such action would be taken as would prevent the Institute from carrying out its functions to which those who are responsible for its management had given a great deal of time and energy. That should be borne in mind in any resolution which may be passed here. He

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Sir ROBERT BORDEN—*cont.*

was good enough at my request to send me some information as to the work which the Institute has done during the past year and glancing over it, very hurriedly, because there was not time to do more, I was impressed with the fact that a serious attempt has been made to accomplish a very useful purpose.

CHAIRMAN: I think there is no doubt about that. It has only just been re-constituted, so really there has not been time to show what they can do.

Sir GEORGE PERLEY: The High Commissioners are all members of the Council of the Institute, and the other three Dominions have already appointed a small committee of men who are conversant with the local situation to assist the High Commissioners in connection with this Imperial Institute. Canada has not yet done so, but I have been asked by the Chairman of the Imperial Institute to suggest some names, which I propose to do shortly.

Mr. MASSEY: The difficulty about the Imperial Institute is that it has been crippled for want of funds. Perhaps it was too ambitious in the first instance, but I have taken the opportunity of looking through it since I have been here, and I am bound to say now that I believe it has done, with the means at its disposal, particularly good work, and I think that work which has been done by the Imperial Institute is not appreciated to the extent it ought to be appreciated either by the people of the Dominions or by the people of the United Kingdom. I think it wants to be better known. I am bound to say I had no idea of the work that is being done there, and of the value of the research work which has already been done, devoted particularly to the Oversea Dominions and to the manufactures of the United Kingdom. Like some of the other members of the Conference Lord Islington saw me about it, and I promised him that when opportunity offers I shall bring the claim of the Imperial Institute before the New Zealand Parliament and give them more information than they are already in possession of. I believe that the whole of the Dominions of the Empire could work along with the Government of the United Kingdom in order to make the Imperial Institute the success I believe it ought to be. I do not think one can say it has been so successful as its promoters intended at first; I think that must be admitted; but that it might be made a great success I am perfectly certain. I think we ought to work together with that object. I do not suggest that it should take the place of this suggested bureau. I am not prepared to say that the Imperial Institute can do the work which is contemplated to be done according to the motion framed by the Board of Trade. If, however, they can do it then it is not necessary to go further, but, if they cannot do it, I think it would be a very good thing to agree to this motion and leave it to the Board of Trade to go on with it if they think proper.

Sir ALBERT STANLEY: This resolution is considerably wider than the scope of work done by the Imperial Institute.

CHAIRMAN: I have here a statement of the objects of the Imperial Institute: "(1) To illustrate by means of collections in the public galleries, the present condition, industries, and natural resources (mineral, animal, and vegetable) of the various parts of the Empire." This is the statement given by themselves: "(2) To provide for the scientific and technical investigation of raw materials, more particularly those produced within the Empire, with a view to their commercial utilisation, and to supply information respecting the production, commercial employment, and value of such materials; (3) To issue reports."

Sir JOSEPH WARD: I see no objection to the resolution being carried, but I think it ought to be an understanding between the members of the Conference and the Board of Trade that there should be a thorough investigation as to the possibility of the Imperial Institute being able to undertake this branch of the work.

CHAIRMAN: I will undertake that.

Sir JOSEPH WARD: If the Institute could undertake it I think it ought to be at least used as a part of a system. Like other members of the Conference I have had the benefit of seeing Lord Islington and hearing his views, and reading the report of the Board, and I recognise what potentialities there are in connection



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Sir JOSEPH WARD—*cont.*

with the Imperial Institute. For a time it may have been ineffective, but that was not due entirely to those who were controlling its interests, but it was due to lack of funds. If the Imperial Institute is to be put into a position of being of value for the Empire as a whole, it should be supported by the Empire as a whole. If it is imperial in its intention and is to do imperial work and if it is in return to give us value in our respective countries, then we ought to help it on financially so as to make it the success everyone wants it to be. I think that is a perfectly fair thing and every one of the overseas countries would be quite prepared to do so. The value of this Central Information Bureau, which is the idea permeating the whole of it at the moment, is most important on account of the metals business, particularly as regards the future, and if the Imperial Institute cannot undertake to effectively do this work, the matter ought to come up again at this Conference before we leave England. The High Commissioners, or someone connected with our respective Governments, should, I think, be nominated upon this central bureau, and I see no objection to the proposed resolution being carried.

Sir GEORGE PERLEY: I know the Imperial Institute have been greatly criticised in some quarters. I have no brief for them at all, but I do feel that if some other organisation is to be provided to do this work which is suggested in this Resolution, then it seems to me the Dominions had better stop helping the Imperial Institute. In other words, I feel that if this Resolution is carried and then some other arrangement is made, or some other organisation is chosen for getting this information together, it practically does away with the utility of the Imperial Institute.

CHAIRMAN: If I thought that, I should not desire the Resolution to be put, but I do not hold that view at all. If I thought that was the case, I could not possibly allow the Resolution to be put, because you see, Sir George Perley, it is my business to defend the Imperial Institute, and to represent their interests. They are immediately under me, and I am responsible for them. I confess I do not think the passing of this Resolution suggested by the Board of Trade will in the smallest degree affect the status or the work of the Imperial Institute. On the other hand, if, when we come to bring into effect—which we shall do, of course, in consultation—because the President of the Board of Trade will, as he always does, consult the Colonial Office about a question affecting us—we find that in any way it impinges, we should take steps to prevent the Imperial Institute from being injured, because there is no intention of doing that. Reading this Resolution again carefully, and the Imperial Institute's own statement of the case, I do not think the two things clash; but it is quite clear we ought not to do anything here which will injure the Imperial Institute, which has been very severely criticised in some quarters, notably in the Report of the Dominions Royal Commission.

Mr. CHAMBERLAIN: As that has been mentioned, I should like to say that we, as representing India, dissent profoundly from the recommendations of that Commission on the subject of the Imperial Institute.

CHAIRMAN: So do I.

Sir JOSEPH WARD: So do I; I do not agree with it at all.

CHAIRMAN: I think it is the most extraordinary condemnation.

General SMUTS: Does not this Resolution contemplate the institution of a different organisation?

Sir H. LLEWELLYN SMITH: It might be a body on which the Imperial Institute would be represented.

CHAIRMAN: Yes.

Sir GEORGE PERLEY: May I ask a question, Mr. Chairman? You do not agree with my view on this particular point, but am I wrong in thinking that one of

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the functions of the Imperial Institute is supposed to be the collecting, and making useful or available, of this information, exactly the same information which it is suggested by this Resolution some other Bureau should collect?

CHAIRMAN: I think not, and certainly not according to their own statement, because the first duty here is to ascertain the Imperial requirements, and that is no business of the Institute. I understand the Institute make investigations largely upon request, and publish the results of those investigations, and have them stored in their museum; but if the Conference would like to pass this Resolution and leave it to the President of the Board of Trade and myself, putting us on our honour to see that the Imperial Institute is not intended to be adversely affected by it, I am quite sure any danger of conflict would be prevented.

Sir ROBERT BORDEN: I think it possible that the terms of the Resolution might include some part of the work which the Imperial Institute has carried on, but it need not necessarily interfere with the work of the Institute, which could be co-ordinated with the work of this Bureau by representation of the Institute upon the Bureau or in some other way.

CHAIRMAN: Yes.

General SMUTS: If this organisation is going to require funds to which the Dominions will contribute, then you will at once have trouble because we are now contributing to the Imperial Institute. On our estimates we shall have another organisation and the question will be raised in our Parliaments: "Why have these two institutions?" So we shall have to carefully consider it.

Sir ROBERT BORDEN: I entirely agree that it must appear to our Parliaments that we are not creating two bodies to do the same work.

General SMUTS: I think we must be careful about our Resolution. We had better take notice in order to see that it can be so framed as not to interfere.

CHAIRMAN: The actual passing of a Resolution is not at all necessary to-day. Would you like to hold it up for the present and I will communicate with the Imperial Institute on the subject.

General SMUTS: It may be that they are quite prepared to accept it.

CHAIRMAN: Yes. I will take care that it is considered carefully, to see that we run no risks.

Adjourned to Friday, 13th April, at 11 o'clock.



## EIGHTH DAY.

Friday, 13th April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11 A.M.

The names of those present are printed on p. 21 of [Cd. 8566.].

## Invitation from the French Government.

(See p. 22 of [Cd. 8566.].)

## Representation of India at Future Imperial Conferences.

(See pp. 22-23 of [Cd. 8566.].)

## Proposed Requisitioning of the Imperial Institute.

CHAIRMAN: Then there is the question of our Order of Business.

Mr. MASSEY: Before you go on to that, I wish to raise a question about which I think the Imperial War Conference would interest itself. I heard last night, on what is absolutely the best authority, that one of the Government Departments propose to commandeer the buildings of the Imperial Institute. Now, this is a matter with which the Dominions are directly and intensely concerned; it is their business. The Imperial Institute is carried on principally for the benefit of the Dominions. I think we have had to put up with a great deal during the War, and we are quite willing to put up with anything which is necessary to carry on the War—I want to make that perfectly clear, and I express that opinion on my own behalf and I am quite sure on behalf of every Member of this Conference, but I know perfectly well that if this commandeering is carried out it will very seriously interfere with the usefulness of the Institute. I do not quite understand it. There seems to be what we call on the other side of the world a "set" being made against the Institute. I believe if left alone in this respect and encouraged as it ought to be encouraged it is just beginning to enter upon a period of great usefulness to the whole of the Empire, and I do not think that it ought to be interfered with either at this juncture or at any other time. I take the opportunity of saying that, Sir, and I hope that the members of the Conference will record a protest against what I understand is intended to be done.

LORD DERBY: Do you know for whom it is being commandeered?

CHAIRMAN: Yes, I had a letter yesterday from Sir Alfred Mond. I did not know it was going to be raised to-day, and I am awaiting the observations of the Directorate of the Imperial Institute before replying to Sir Alfred Mond. They want the Institute for some purpose—I do not know what—but it is for one of these numerous overflowing Departments—I do not know which.

General SMUTS: Had not the matter better stand over until we have this full information?

Mr. MASSEY: If they do not go on with it in the meantime; that is the trouble.

CHAIRMAN: I will ask for the views of the Conference at the end when I know about it.

Mr. MASSEY: That is all right.

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ORDER OF BUSINESS.

[8th Day]

## Order of Business.

CHAIRMAN: With regard to the Agenda, time is going on and more than one Member of the Conference has intimated to me that it will be impossible for certain Representatives to remain after the end of this month, and I think it is therefore very important that we should take stock of our time and should make up our minds only to deal in the short time at our disposal with such questions as are really pressing. The suggestion I ventured to make to the Conference in a memorandum I circulated, was that the Committee appointed at our earlier meeting to consider the subjects for the Agenda might meet again if possible this evening after the War Cabinet, and then make a definite proposal which will cover the whole of the rest of our work. There is no Indian representative on that Committee, I think.

Mr. CHAMBERLAIN: Yes, Sir James Meston is a member.

CHAIRMAN: Then that is all right.

Sir JAMES MESTON: I was at the last meeting.

CHAIRMAN: Then you did join it; I had forgotten that. I thought it was only the three Prime Ministers and General Smuts.

Sir JOSEPH WARD: Should not the Agenda be discussed in the ordinary course at a full Conference. If the dropping of certain proposals is recommended by that Committee nothing goes on record about it.

CHAIRMAN: Any recommendation that Committee makes would have to be fully discussed here. That would be the opportunity. The difficulty of discussing these things in the whole Conference is that we do not get on.

Sir JOSEPH WARD: When matters are sufficiently important, the Representatives who have come from a long distance should not go away without having an opportunity of expressing their views even on matters which might require to be dropped, or otherwise the position might be misunderstood in some of our countries.

Sir ROBERT BORDEN: There was a proposal that in order to save time observations which any Member of the Conference might desire to place on record should be circulated, and, if necessary, embodied in full upon the Minutes. The question of time is becoming very serious so far as we are concerned, because it will be impossible for us to remain longer than the end of this month. In my judgment, it would be better to deal with the few matters directly associated with the War, and deal with them in such a way as to bring about results rather than to spread on the records of the Conference a very great number of ineffectual Resolutions, as has been done in the past. I say that, of course, with every consideration for what any Member of the Conference may desire to bring forward and solely with a view to obtaining results, on the one hand, and to a necessary saving of time on the other.

Mr. MASSEY: If we could avoid the less important matters and deal with matters of Imperial importance, it would be better for all concerned. I think anything connected with reorganisation of the Empire and development of its resources should receive our attention before the Conference comes to an end, whatever else may be left to stand over.

General SMUTS: There is this further consideration, Mr. Long, that the work of the Imperial War Cabinet is really far more important. Issues are being dealt with in the Cabinet which are so important that they ought to be given every precedence over the subordinate questions being considered here, and if some of our members have to go at the end of this month we will have to subordinate our programme to the programme of the War Cabinet.

CHAIRMAN: Certainly.

Mr. MASSEY: I hope that the Canadian representatives will be able to stay at least a week after the end of this month, and by that time we shall probably have got through our programme.



General SMUTS: Could we meet after the Cabinet this afternoon?

CHAIRMAN: We could meet and look through matters and then discuss it at the Conference.

Sir JOSEPH WARD: With all deference to my friend Mr. Massey, I would not like to admit that time has been wasted. In my opinion it has not been wasted. There have been some very important things settled here. If it had been intended in the first instance that we were to discuss the reconstruction of the Empire, or something to that effect, and that only, and we had confined ourselves to that, it would have been all right, but we came to the Imperial War Conference for the purpose of discussing any matter that any member considered it desirable to bring up. Whether we arrive at final decisions or not during this War Conference, there can be no doubt that what is on record in some material respects will be of some use to those who come to the next Imperial Conference. I think the limited time of all the members must be considered. If we have not time to consider these matters we might pass a resolution, saying that in consequence of the War period and the necessity for the departure of some of the members to their respective countries, we defer consideration of various matters to a further Conference. Then the sequence of the procedure at all events would be there for the information—not for the guidance—of those who may take it up at the next Conference. I think there are one or two very important matters which should be considered at this Conference, but in deference to the time requirements one must necessarily do all one can to facilitate business in order to enable those members to leave who find that they must go.

Mr. MASSEY: The plain fact is we took up very nearly a whole day in discussing questions relating to Patents and Trade Marks. Now, nobody will make me believe that that is a more important question than any of the others which are likely to be dropped. We had also difficult matters dealing with trade, and we discussed them for the greater part of two days, and then we were informed that they would have to stand over until they were dealt with by the Imperial War Cabinet.

CHAIRMAN: May the Committee meet this evening, and then we can raise these matters more generally afterwards?

[AGREED.]

#### Care of Soldiers' Graves.

(See pp. 23-38 of [Cd. 8566].)

#### Proposed Requisitioning of the Imperial Institute.

CHAIRMAN: Would you like now to take up that question connected with the Imperial Institute which Mr. Massey raised this morning?

Mr. MASSEY: Yes, I think the sooner it is dealt with the better, or it will be too late.

CHAIRMAN: I have had a communication from Sir Alfred Mond whose letter is as follows:—"The question of accommodation for the Headquarters Staff of the Australian Forces has been, for a considerable time, a matter of grave concern to the War Office. The staff numbers over 3,000, and it is, at present, scattered and overcrowded in various buildings with serious effects, I am informed, on its health. Urgent representations have, therefore, been made to the Committee of Accommodation, of which I am Chairman, to endeavour to meet the situation. The difficulty of finding suitable buildings to accommodate large staffs, especially as temporary buildings are now out of the question owing to the shortage of timber, is obvious. After careful consideration, however, and examination of all possible solutions, the Accommodation Committee have unanimously decided that a considerable portion of the Imperial Institute, which is now used for exhibition purposes, should be requisitioned to meet this necessity. I have, myself, inspected with officials of this Department the galleries, and find that these galleries are excellently adapted for arranging as offices, and would accommodate a staff of 1,000. Secondly, the exhibits contained therein can easily be concentrated so as to retain them intact in the building. Thirdly, as far as I can see, although I visited

CHAIRMAN—cont.

the Institute on a Saturday afternoon, there were very few visitors. In these circumstances I cannot think of any better purpose to which this important building could be put to at the present time, than the housing of the Headquarters Staff of one of our great Dominions, and I feel sure that the representatives of the Dominion would endorse this view. An official letter on the subject has been forwarded to your Department, and as the matter is urgent, I hope you, yourself, will see your way to personally facilitate this matter being carried through." I received that letter yesterday and I informed the First Commissioner of Works that I would await his official letter, but in the meantime would be in communication with the officials of the Imperial Institute. Sir Alfred Mond, I understand, is on his way. Sir Lionel Earle is already here. I do not know whether he has anything to say.

Sir LIONEL EARLE: I can only say that this was decided by the Accommodation Committee over which Sir Alfred Mond presides. There has been great pressure on my Department from the War Office to provide accommodation for the Australian Headquarters Staff and they applied for a temporary building. The Controller under the War Office of Timber Supplies has absolutely forbidden the enormous amount of timber which such a building would require to be used, and therefore it is absolutely essential to acquire some building. The Government are very loth to commandeer any more hotels; they have already taken so many that there has been a great outcry and criticism about it, and I do not know of any other building at the moment which would house such a large staff as is required for this Commonwealth Headquarters Staff. Sir Alfred Mond himself is coming over in a minute.

CHAIRMAN: I suppose it would involve the temporary closing of the Institute for Institute purposes?

Sir LIONEL EARLE: Certainly as regards the exhibits; whether the laboratories need be closed is another question. The exhibits would certainly have to be closed, and it would mean also taking part of the Victoria and Albert Museum.

Mr. MASSEY: I understand the proposal is to close the whole building except the laboratories for the purpose of the Imperial Institute.

CHAIRMAN: Yes.

Mr. MASSEY: There is a statement in the letter you have just read about "the representatives of the Dominions," and I do not know whether that refers to the representatives of the Dominions at the Imperial Conference.

CHAIRMAN: No, I think he means the Dominion which is to have the benefit of the use of the building, viz., Australia.

Mr. MASSEY: If this sort of thing goes on there is very little use in any of us coming from the other side of the world expressing any opinion. That is the conclusion I have come to.

CHAIRMAN: It seems to me, on the contrary, that your being here enables you to express an opinion now; you could not have done it if you had not been here, and it is a great help to us.

Mr. CHAMBERLAIN: May I ask Sir Lionel Earle one question? The Imperial Institute has certain exhibits. It is in one sense a Museum but it also does a great deal of work besides in the way of research. Would the projected commandeering interfere with its work as apart from its exhibitions?

Sir LIONEL EARLE: That I am unable to answer. I think that must be decided by Professor Dunstan.

Mr. HAZEN: Are other Museums in London affected?

Sir LIONEL EARLE: Yes, the bulk of them have been taken; part of the National Gallery, the Tate Gallery, the whole of the National Portrait Gallery, and



Sir LIONEL EARLE—*cont.*

the Natural History Museum has been closed. There are only two or three of them open. The London Museum has been closed and is occupied by the Foreign Trade Department.

Mr. HAZEN: Part of the National Gallery, I think you said?

Sir LIONEL EARLE: Half the National Gallery has been taken by the Admiralty and the whole of the Tate Gallery for the War Office.

Sir JOSEPH WARD: We discussed at a previous meeting of this Conference the possibility, or at least the desirability, of having co-ordination for the great and all-important future work of metals for the British Empire. Among other suggestions during the course of that discussion was one that the Imperial Institute should be used for the purpose, probably in co-operation with the Board of Trade or whatever might be decided upon. It looks to me as if the exigencies of the War now require the diversion of the Institute from the purposes of a public building, and it will probably remain in possession of these people for a long time after the War. Considering the previous discussion we had about utilising the laboratories of the Imperial Institute, and the scientific people who may be attached to them for the purpose of helping the great development in trade and concentration within the British Empire of the metals which may be obtained from the Empire, I would like some further information before it is definitely decided to divert the purposes for which the Imperial Institute is to be used.

CHAIRMAN: The First Commissioner of Works, Sir Alfred Mond, has now come. The question has been raised by the Prime Minister of New Zealand as to the taking over of the Imperial Institute, to which he is very strongly opposed, as are one or two others who have spoken, but the discussion has only just begun. Perhaps you would explain the matter, Sir Alfred.

Sir ALFRED MOND: The position is this: the Australian Headquarters are very scattered and very congested and we have had urgent pressure put upon us by the War Office for a long time as to the absolute necessity of doing something to improve the Australian Headquarters position. The first proposal put forward was to put up a large building; this it was found impossible to do owing to the present position of timber and labour. The next proposal that came before the Accommodation Committee, of which I am Chairman on behalf of the War Office, was to find accommodation for a staff of something like 1,700 people; that is a very large number, and obviously there are very few buildings in which it could possibly be achieved.

Mr. MASSEY: We heard it was 3,000 just now.

Sir ALFRED MOND: That is the total staff. We cannot possibly house the whole of their staff in one building. We can only do the best we can. Now, the Imperial Institute is a composite arrangement at the present time—there is the Imperial Institute, the University of London, and part of the building is being used by the Board of Education as an extension of the Victoria and Albert Museum. Therefore, there are three parties to be consulted. The London University very kindly consented to give up part of their premises; no doubt I can arrange for another part with the Board of Education; and therefore there only remains part of the Imperial Institute. I would like to point out that there is no intention at all to disturb what I may call the scientific work or the offices of the Imperial Institute. All we ask for is part of the Exhibition Galleries. I had an interview this morning with Lord Islington and Professor Dunstan, the Director of the Institute, and I believe he said he would get out a scheme by which it would be possible to re-arrange the exhibits in a concentrated form so as not to interfere with the absolute work of the Institution. I do not know whether you know the Institute, but it has a large number of galleries with cases which, of course, are displayed naturally in a fairly lavish way; and by concentration in part of the galleries it will be perfectly feasible,

Sir ALFRED MOND—*cont.*

without interfering with people seeing the exhibits, to liberate half the space, or something of that kind. I am pressing that very strongly, because urgent pressure has been put on us by the War Office for the Australian Headquarters Staff. I confess, though we have done our best, it is becoming impossible in London to find accommodation for these large staffs. I cannot impress too strongly upon you what an appalling task mine is becoming day after day with people pressing me day after day for space to put hundreds of people in. As you know, we have taken a very large number of public buildings, hotels, and houses. The War Office have pressed this scheme very strongly as a War measure. I do not see why it should interfere with the utility of the Institute seriously, and after the War it would be restored exactly to where it is now.

Sir ROBERT BORDEN: Mr. Long, you said you had communicated with the authorities of the Imperial Institute. Have you received any reply?

CHAIRMAN: No. I imagine this interview the other day with Sir Alfred Mond was preparatory to speaking to me about it. I am responsible to Parliament, but of course the Director and Chairman of the Board of Management would make any arrangements they thought fit, subject to my approval. I have not heard from them.

Mr. MASSEY: What is the accommodation for the staffs of the other Dominions?

Sir ALFRED MOND: I think we have now satisfied the Canadian people as to their staff accommodation. I know they were very kind and accommodating.

Sir GEORGE PERLEY: I may say that Sir Alfred Mond has tried his best to relieve the situation with all of us. We Canadians were very anxious to get a place where we could all go, and which would accommodate all our staff, and the Imperial Institute was suggested to us for that purpose, but the Office of Works did not see their way at that time to taking it over.

Mr. MASSEY: Very properly so.

Sir ALFRED MOND: That was before my time.

Sir GEORGE PERLEY: We have had put at our disposal by the Office of Works three or four buildings not very far from each other for the purpose, but I would very much have preferred to get into one building as the Australians are endeavouring to do.

Sir ALFRED MOND: They will not get into one building; they will still be in three buildings.

Sir GEORGE PERLEY: As I understand it their whole staff will be in one building, not, perhaps, their Pay Office.

Sir ALFRED MOND: No, their whole establishment is 3,100.

CHAIRMAN: That includes the Pay Office and the Records.

Sir ALFRED MOND: Yes, there are several branches.

Sir GEORGE PERLEY: Our Pay Office is on the Embankment and the Record Office is in a place by itself. What I am trying to do is to get all the rest of our men into one building. Of course, this Imperial Institute would have been quite sufficient for that purpose.

Sir ROBERT BORDEN: I only ask for the purpose of information, but Australia has a very large building in the Strand: I suppose that is occupied for other purposes, so that it could not be used.

Sir ALFRED MOND: Yes.

Mr. MASSEY: I understand they are letting part of that building to the Imperial Government.



8th Day.] PROPOSED REQUISITIONING OF THE IMPERIAL INSTITUTE. [13 April 1917.

Sir ALFRED MOND: Yes, my Department are at present engaged in temporarily furnishing some of it for Government Departments.

Mr. MASSEY: The building is not finished.

Sir ALFRED MOND: No, nothing like finished.

Mr. ROGERS: How many can you house in the Imperial Institute when you make that arrangement?

Sir ALFRED MOND: Between 1,500 and 1,700, taking the whole combined scheme together.

Mr. MASSEY: Would it be possible to get the opinion of Lord Islington and Professor Dunstan on this?

CHAIRMAN: Lord Islington may be in the India Office now.

Mr. CHAMBERLAIN: Very likely.

CHAIRMAN: We will telephone through.

Sir ALFRED MOND: Professor Dunstan is considering it, but he says it would interfere with his work.

CHAIRMAN: I did not know this was coming up this morning, as I had no notice of it, and I do not know what their views are.

Mr. HAZEN: If it does not interfere with the scientific work of the Institute is not the objection removed?

Sir ALFRED MOND: I will put Professor Dunstan's point.

Mr. MASSEY: Have you been through the building, Mr. Hazen?

Mr. HAZEN: I was through it years ago, but I have not been in it of late years.

Sir ROBERT BORDEN: I have not been through it lately.

Mr. HAZEN: But I understand all that will be interfered with will be the space used for exhibition purposes.

Sir ALFRED MOND: When I was there last Saturday afternoon there were only four people in the building.

Mr. MASSEY: We are trying to improve upon that, and have been making endeavours since we have been in London. It is not patronised as it ought to be, I know.

CHAIRMAN: The Dominion Governments make contributions to it.

Sir ALFRED MOND: Professor Dunstan's view is that it would interfere, as it is bound to to some extent, with his work and the system of lectures he has arranged there, and he is naturally very much opposed to being disturbed in any way, but I do think from what he said that it would be impossible to arrive at some kind of compromise arrangement which would disturb him as little as possible and yet yield a good deal of accommodation. He has promised to let me have a proposal on Monday next. Would it not be advisable and would it not save time if we wait until Professor Dunstan has thought the matter out, and if he finds he could manage things without interfering seriously with his work it would naturally carry a good deal of weight with the gentlemen here?

General SMUTS: Of course we look upon the conduct of the War as of primary importance far above the lectures and other similar business which is now being conducted there.

Sir ALFRED MOND: I am glad to hear you say that.

General SMUTS: No doubt an arrangement could be made and then the matter might be mentioned to us again.

Mr. MASSEY: It seems to me that we cannot arrive at any decision unless we get the opinion of men who are giving the whole of their time to it like Professor Dunstan—it is the whole of his work—and Lord Islington, who is Chairman; I

13 April 1917.] PROPOSED REQUISITIONING OF THE IMPERIAL INSTITUTE. [8th Day.

Mr. MASSEY—cont.

know he takes a very active interest in it, because he spoke to me several times with regard to the work of the Imperial Institute. If the carrying on of the War depends upon the taking over of this building there is only one answer as far as we are concerned, but I have not heard that there is no other building. If an attempt is made to provide another building I believe it could be done. But I am not going to make up my mind until I hear what Professor Dunstan and Lord Islington say.

CHAIRMAN: I do not think the Chairman and Managing Director can throw any light at all upon the question which the Conference have to decide.

Mr. MASSEY: What is that?

CHAIRMAN: We have heard from Sir Alfred Mond and his Committee, and I am convinced the Secretary of State for India will support me when I say that we have got to the end of our resources in London in the way of providing for the enormous additional number of people we have to find room for. There is really not any more space. There are no more buildings. As you know, the Members of the Conference were turned out of their original rooms in the Hotel Cecil which had to be taken over, and the only hotels left are crowded. Please do not think that it is a matter of social concern; it is very different from that. Officers coming back from the front very frequently have only friends in this country—not their fathers and mothers—and great efforts are made by their relatives to meet them in London and to our knowledge there is the utmost difficulty in getting accommodation, even in the shape of rooms where they can get a meal of any kind, for these relatives when they come to London for the short leave the men take from the front. The pressure of accommodation in London is really past words to describe now. I am afraid neither Lord Islington nor Professor Dunstan can throw any light on that question. Of course they can tell us how they regard the proposal and whether they think a compromise can be arrived at, but I think the Conference must realise that unless we adopt some alternative, such as turning all these staffs out of London and putting them into the country (which is almost impossible, I imagine), I am afraid the time has come when the First Commissioner of Works has no alternative except to take any building which can by any possibility be diverted to War purposes from the work it is doing now.

Mr. CHAMBERLAIN: It is my good fortune to be associated with Lord Islington, who has served in this Office and has served in the Dominions and is now connected with the India Office. I really think it would be worth while to wait to hear what he has to say as to the carrying on of the essential work of the Imperial Institute. I am sure he will do his best to meet Sir Alfred Mond, and I believe Sir Alfred Mond will meet him, so that the essential work of the Institute should go on. I am just as anxious to preserve its work as Mr. Massey is.

Mr. MASSEY: If Lord Islington says so, there is no objection on my part at all events.

Mr. CHAMBERLAIN: Might not Lord Islington be invited to come here on some suitable occasion and tell the Conference what he thinks?

CHAIRMAN: We will ask him to attend at the next meeting.

Mr. MASSEY: But in the meantime nothing will be done in the way of taking possession.

Sir ALFRED MOND: I would press for the decision of the Conference as soon as possible.

Sir GEORGE PERLEY: I would like to confirm, if I may, what the Chairman says about the congestion here and the difficulty which officers find when they come on leave in getting even a place to sleep in. One man told me that he went to seven different places before he could get a bed. So I know the difficulty there is in finding buildings here at the present time. It seems to me this is decidedly a question for compromise. I do not think the essential work of the Imperial Institute



8th Day.] PROPOSED REQUISITIONING OF THE IMPERIAL INSTITUTE. [13 April 1917.

Sir GEORGE PERLEY—*cont.*

ought to be interfered with, nor do I think they ought to keep the whole of the building for the purposes for which it is now used under present War conditions. I feel that they have such a large building that it is perfectly possible for them to give up part of it for War offices. I am sorry that the Canadians could not have had that building themselves, because it would have suited us exceedingly well, but as Sir Alfred Mond made an offer to fix us up in other buildings I certainly should not be the one to say that the Australians should not have the use of a part of the building simply because we could not have it ourselves. I really think it should be an arrangement between Sir Alfred Mond and Lord Islington by way of compromise and that the Office of Works should get part of the building, at all events, for the use of the Australians. That is my feeling.

Mr. MASSEY: All I am afraid of is that once it is used for any other purpose it will be good-bye to the Institute; it is only struggling for its existence now.

CHAIRMAN: That is due to want of money.

Sir ROBERT BORDEN: As long as they only use the Exhibition part of it, it does not seem to me to be so serious. If the work of the Institute is carried on in the way of research and so forth—

Sir ALFRED MOND: That will not be touched at all; none of the offices will be touched and all the research work will go on.

CHAIRMAN: I understand the ordinary work will go on. It is a question of the exhibits and the opportunities for outsiders to visit it. The difficulty in which the Institute stands now is due entirely to finance; they have been starved hitherto, and I have proposals before me now for increasing the grant, but I have not been able to deal with them because there is a Committee sitting—Lord Balfour of Burleigh's Committee—and a report is daily expected from it about the Imperial Institute.

Sir JOSEPH WARD: I think the statement made by Sir Alfred Mond puts the matter in quite a different position. It seems to me as if the overseas countries, at all events New Zealand, would require to defer the consideration of their attitude towards the Imperial Institute until a later period when the War is over and until the building comes back to its normal and original use. It is quite clear that if buildings cannot be found in London to meet the requirements of the War then some arrangement has got to be made. It is more a matter for arrangement between Mr. Long and Sir Alfred Mond than for the Conference as a whole, because after all we do not control it.

CHAIRMAN: I am responsible for its control and I will take care that the best bargain will be made that can be made with Sir Alfred Mond.

Sir JOSEPH WARD: I think it should be left to you to ascertain what is required.

Mr. MASSEY: I think we should have it before us before anything is done.

CHAIRMAN: Yes, we will bring it up at the next meeting. There is no other business to-day but the Committee will meet at 6 o'clock this evening directly after the War Cabinet and settle as to future business.

Adjourned to Monday next at 11 o'clock.

## NINTH DAY.

Monday, 16th April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11 AM.

The names of those present are printed on p. 39 of Cd. [8566.].

### Care of Soldiers' Graves.

(See p. 40 of [Cd. 8566.].)

### Representation of India at Future Imperial Conferences.

(See p. 40 of [Cd. 8566.].)

### Agenda and Notices of Motion.

CHAIRMAN: I hope the Memorandum from the Ministry of Munitions as to the development of Mineral Resources will be circulated to the Members of the Conference to-night. I ought to tell the Conference that the Committee for considering our programme met and went very carefully into everything as to the time and all the subjects before us, in order to make the best allocation in their power. A draft of our Conclusions has been circulated to the Conference, and the Committee desire me to express their earnest hope that we will make a very determined effort to work up to that programme and to finish the various subjects on the dates allotted to them. It was an unanimous recommendation and the very strong feeling of the Committee was that the time at our disposal is really very short, and that therefore we ought to do our best to keep to that programme.

To-day we have a Resolution dealing with the Constitution of the Empire, which Sir Robert Borden will move, and which it is not thought will take long; and then there is the question of "Naturalisation" with regard to which the Home Office representatives will be here.

Mr. HAZEN: Before you take that up may I ask that the Memorandum and the Bill with regard to Prize Courts will be circulated as soon as possible, because it is desirable we should have it some days in advance of the question coming up for discussion.

CHAIRMAN: I think it must be circulated some days before we can discuss it, and as our time is getting short, if we are to discuss it it must be circulated directly.

Mr. MASSEY: There is one item we did not notice at the last meeting and that was with reference to the meat supply of the United Kingdom and its production within the Empire. It seems to have dropped out. I did not notice it at the time, but it was understood we should take it up. There is another matter if opportunity offers that I want to bring up for a few minutes' discussion, and that is the temptations to which our soldiers are subjected on arrival in London. I think we ought to express a very strong opinion upon that subject.



Sir JOSEPH WARD: I intimated that I desired to give notice of motion of two matters without wishing in any way to impinge upon what the Committee has recommended for consideration. It may be that our programme will not be completed in time to allow of the other matters being dealt with, but in any case I want to suggest that the business of this Conference which is unfinished should be regarded as recorded for the consideration of the next Conference for them to go on with at the point at which we leave off. Or otherwise it will look like a *de novo* proceeding, which means a great loss of time in connection with some very important matters which ought to be dealt with in the interests of the Empire, but which, for want of time, have not been dealt with at this Conference. When convenient I will give in my notice of motion.

CHAIRMAN: I think to give it in now would be the most convenient plan.

Sir JOSEPH WARD: Shall I read them?

CHAIRMAN: Yes.

Sir JOSEPH WARD: I give notice of this motion:

"That it is in the highest interests of the Empire that the rates for telegraphic communications between the United Kingdom, Canada, Australia, South Africa and India should be further materially reduced. That there is real necessity for improvement in the News Service of the Empire, and that it is essential that Imperial news should reach the various countries of the Empire through British rather than foreign channels. That in order to ensure generally the cheapest and most secure telegraphic communication between the United Kingdom, Canada, Australia and New Zealand, it is necessary that they should co-operate in the provision of a State-owned cable across the Atlantic, and a connecting land line from Nova Scotia to Montreal, which should communicate with the line across Canada now leased by the Pacific Cable Board. That it is of vital importance that the United Kingdom, Canada, Australia, New Zealand, South Africa, Newfoundland and India should co-operate in the maintenance and further development of a chain of British State-owned high power wireless stations within the Empire."

I also give notice:

"That it is desirable to create a permanent organisation representative of all parts of the Empire to investigate, co-ordinate information and report periodically to the various Governments upon all matters relating to the development of the Empire's resources, the extension of Imperial trade, and the strengthening of Imperial lines of communication."

CHAIRMAN: I presume those two resolutions had better be put on the Paper and discussed if we have time. Then we may now proceed to Sir Robert Borden's resolution.

#### Constitution of the Empire.

(See pp. 40-61 of [Cd. 8566].)

#### Naturalization.

(See p. 61 of [Cd. 8566].)

## TENTH DAY.

Wednesday, 18th April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 11 AM.

The names of those present are printed on p. 62 of [Cd. 8566].

### Order of Business.

CHAIRMAN: The programme for to-day has been interfered with, and also the programme for Friday. To-day we were going to take the Memorandum from the Ministry of Munitions on the Resources of the Empire in regard to Minerals, but unfortunately, the Ministry have been unable to agree with the Board of Trade and the Treasury upon that Memorandum, and therefore it is not ready for us. They have finished it and brought it up to date, but have not been able to accommodate their proposals with the other Departments, and therefore, I am afraid, it must be postponed. Further, our work is interfered with owing to the sudden call of the Prime Minister abroad, which has prevented the sitting of the Cabinet which was to have been held to-morrow, when we were going to discuss the draft Resolutions in the names of the Prime Minister of Canada and the Prime Minister of New Zealand dealing with Imperial Trade Relations and with Imperial Preference.

Mr. MASSEY: And with the Migration of British Citizens.

CHAIRMAN: Yes, the Migration of British Citizens. The Prime Minister of Canada must, I understand, return to Canada at the end of next week, or, at all events he can not be available for Conferences after the end of next week—I think I may put it in that way, Sir Robert?

Sir ROBERT BORDEN: Yes.

CHAIRMAN: Consequently we really must make up our minds how we are going to get through the absolutely necessary work which remains. When I was faced with this unpleasant state of things on Monday evening, I ventured to put down four subjects which still remain for discussion, namely, Naturalization, Double Income Tax, the scheme for a Dominion House, and the Pacific Question which we started but have not finished. Then the Conference will remember that we drew up the other day a list of subjects and allocated to them certain days. The members of the Conference have that list and they will find on reference to it that we have dealt with most of the subjects. We have not absolutely lost touch with the list, I am glad to say, but, if we are able to take these four subjects which I have put down for to-day with their Memoranda, there remain over the two great questions to which I have referred which will be discussed at the Cabinet, and I was in hopes that, if they are discussed at the Cabinet, and the Cabinet decisions are agreeable to the two movers of the Resolutions, they might then be taken somewhat briefly here with a view to their disposal. There will then remain the question of the Indian Resolution, which we discussed informally the night before last, and one or two other questions which we have to finish. For instance, there is the graves of those who have been killed, and there is the question of Imperial training.

General SMUTS: That last has been struck off.

CHAIRMAN: Yes. I meant the Refining of Metals, which will be dealt with by the Ministry of Munitions. I thought if Sir Satyendra Sinha arrives at an arrangement with the Dominion representatives in regard to his Resolution, which is what we hoped might be the case when we separated on Monday evening, possibly that Resolution might be taken as the first business on Monday next, and possibly Sir Satyendra Sinha will consider whether it could be moved with sufficient brevity to enable us to dispose of it within a limited time. Then we could take the



10th Day.]

ORDER OF BUSINESS.

[18 April 1917.]

CHAIRMAN—*cont.*

Memorandum of the Ministry of Munitions on Minerals on the same day. If the Cabinet meets on Tuesday, the Conference could take those two Resolutions on the next day, Wednesday, about Imperial Trade and Imperial Preference which will have been dealt with at the Cabinet and could then be disposed of here, I hope, without prolonged discussion. That would leave us Friday for the remaining questions, one of which would be the Motion which Mr. Massey desires to raise, with one or two minor matters, and we could then conclude our business on the Friday. If that meets with the approval of the Conference I will endeavour to arrange accordingly.

Mr. CHAMBERLAIN: I am sorry to say that Monday is the day fixed for the conferring of the freedom of the city of Manchester on certain Members of the Conference.

Mr. MASSEY: No.

CHAIRMAN: The Indian representatives are going there on Monday.

The MAHARAJA OF BIKANER: Monday is fixed for us; Tuesday for you, Mr. Massey.

Mr. MASSEY: I was not aware that there were two days fixed. It is impossible for me to be present on Monday, as I am going to Newcastle that day.

Mr. CHAMBERLAIN: Sir Satyendra Sinha tells me that he hopes to communicate the Draft Resolution which he proposes to move this afternoon to the Prime Ministers, and when he moves his Resolution he proposes only to make a brief statement, but he would like very much to be allowed to make that statement on Wednesday, if that would be possible. I am afraid Monday is unhappily impossible under the circumstances.

CHAIRMAN: Yes, evidently.

Mr. MASSEY: I would like to suggest that it would be better for the Conference to sit on two or three evenings next week rather than leave business unfinished.

CHAIRMAN: Do you mean for the Conference to meet in the evening at 9 o'clock, or that sort of thing?

Mr. MASSEY: Yes, after dinner.

CHAIRMAN: We could always do that.

Sir ROBERT BORDEN: I have no objection whatever.

CHAIRMAN: I have no objection, of course, in order to finish.

Mr. MASSEY: It would only be in order to finish.

Sir JOSEPH WARD: I have some appointments next week which may prevent me attending in the evenings.

Sir ROBERT BORDEN: What about Monday? I understand the representatives of India cannot be here, and Mr. Massey cannot be here. Is there any subject we could take on that day in which Mr. Massey is not particularly interested, and in which Sir Joseph Ward could represent New Zealand?

CHAIRMAN: Looking at the list which the Committee drew up, giving the remaining questions to be dealt with, there is the Memorandum on Graves, and Mr. Massey is very much interested in this.

Sir ROBERT BORDEN: We would not take that, of course, in his absence.

CHAIRMAN: Could Sir Joseph Ward represent you on that, Mr. Massey?

Mr. MASSEY: I think so. With the amendment which has been inserted I do not think I have anything further to say upon it.

Sir ROBERT BORDEN: Why did you leave it over?

Mr. MASSEY: They were going to alter the Charter, and I wanted to see the Charter.

18 April 1917.]

ORDER OF BUSINESS.

[10th Day.]

CHAIRMAN: Provisionally, perhaps, we might take the Graves question on Monday. The Pacific question we hope to finish to-day. The Constitution of the Empire is finished. The Dominion House we hope to take to-day. Then there is Inter-Imperial Communications which is raised on Sir Joseph Ward's Motion.

Sir JOSEPH WARD: As far as I am concerned, in order to conform to the requirements of the others, I have no objection to that standing over until the next Conference.

CHAIRMAN: It can stand over altogether?

Sir JOSEPH WARD: Yes.

CHAIRMAN: Thank you, very much. Then the question of Naturalization we can settle to-day. The position of the Indians will have to be taken on Wednesday provisionally. The Refining of Metals we can take on Monday. Do you mind our taking that in your absence, Mr. Massey?

Mr. MASSEY: No.

Mr. CHAMBERLAIN: Is there any meeting of the Conference on Friday in this week?

CHAIRMAN: No; I understand we cannot meet on Friday, because Lord Milner's Committee is to meet as well as Lord Curzon's Committee. Then the question about Imperial Training has been taken off the Agenda. Double Income Tax is down for to-day, but I understand Mr. Massey says he cannot deal with that.

Mr. MASSEY: I have a mass of papers dealing with the subject which I should like to look through before going on with it. That is my reason for not being able to go on with it to-day.

Mr. ROGERS: Can we take that on Wednesday next?

Mr. MASSEY: I am quite willing to take it on any other day.

CHAIRMAN: We have three subjects for Wednesday. Following up Mr. Massey's proposal, I suggest that we might sit on Wednesday morning and then have an after-dinner sitting to take the rest of the questions.

Sir ROBERT BORDEN: Could we not sit this evening and take it?

Mr. MASSEY: No, I am going away. Unfortunately these things come along a month beforehand, and one gives a promise and has to keep it.

Sir ROBERT BORDEN: I appreciate the situation.

Mr. MASSEY: We are all alike in that respect.

Mr. CHAMBERLAIN: Cannot we make some progress to-day, if we have the time, with the Double Income Tax question? Even if we are unable entirely to settle it we could get the British Treasury statement. I do not know what they are going to add to it.

Mr. MASSEY: Yes, I would be very glad to do that.

CHAIRMAN: The Prize Bill I am quite hopeless about; I do not think we shall be able to deal with that. Of course, it is not a question on which I have any knowledge at all, and I do not know whether it really presses during the War, but it is impossible to get any agreed position upon it. I believe the Bill is now circulated, but they have not come to an agreement yet; so I think we must regard that as abandoned as far as our Conference is concerned. If the Conference, however, are willing to agree to that provisional arrangement I have outlined, with the understanding that if necessary we will have an evening sitting, then I think we can finish on Friday next.

Mr. CHAMBERLAIN: With your permission, my colleagues would ask leave to withdraw in order that they may get their Draft Resolution prepared, so as, if possible, to have it in the hands of the Members of the Conference before the end of this meeting.

CHAIRMAN: Yes. These questions relating to Naturalization and Double Income Tax we can settle in their absence.



**Naturalization.**

(See pp. 63-70 of [Cd. 8566].)

**Double Income Tax.**

(See pp. 70-80 of [Cd. 8566].)

**Earl Grey's Scheme for a Dominion House in Aldwyck.**

(See pp. 80-84 of [Cd. 8566].)

**The Pacific Question.**

CHAIRMAN: The Resolution moved by Sir Joseph Ward was—

"That this Conference, in view of the experience of the present War, calls attention to the necessity of developing the capacity of production of naval and military material, munitions and supplies in the Dominions possessing seaboard on the Pacific and Indian Oceans, and affirms the importance of close co-operation between them and the United Kingdom with this object in view."

It stands in that form.

Mr. MASSEY: I want before this Resolution is disposed of, to take the opportunity of saying a few additional words on a subject which I think, unfortunately, is attracting a very great deal of attention in the South Pacific at present. It has been already referred to on several occasions, but apparently there is more anxiety on the part of the people we represent and also on the part of the people of Australia (which is unfortunately not represented at this Conference), than many people have up to the present been aware of. I am now speaking of the possibility of Germany getting into the position it occupied in the Pacific prior to the outbreak of the present War. Here I would like to say that a very great deal of satisfaction was expressed in the Dominion of New Zealand and in the Commonwealth of Australia and by many of the people resident on the Islands of the Pacific, such as Fiji and others, when the statement you, Sir, made some time ago reached them. That was a very definite statement to the effect—I am not sure that I am quoting it correctly—that on no account would the German Colonies be returned to the German Empire after the War. That unfortunately was followed up by a statement made by another Imperial statesman which was not nearly so definite, and which appears to have had the result of raising a very great deal of doubt in the minds of many of the people interested in this very important subject on the other side of the world. Then there came the omission—I know perfectly well it was not intentional—from the peace terms which were published and which were forwarded to the United States by the Imperial Government at the time when there was a possibility of the United States taking a part, or when there was an indication from the United States that it was anxious to take a part, in any negotiations that might take place between the Central Empires and the Allies of Britain in the present War. There was no mention of the German Colonies in those peace terms, and that omission, following up the statement that had been formerly made by another member of the Imperial Government, has raised a good deal of doubt in the minds of people who are intensely interested in this subject, and whom Sir Joseph Ward and I represent to the best of our ability to-day.

I would just like to remind you of the position in which we are. Our trouble is not so much the fact that these formerly German Colonies in the South Pacific may be handed over. I am thinking more particularly of Samoa and New Guinea. The trouble is not so much the possibility of these Colonies being handed over, but there is the other important point which will follow, and that is that the handing back of those two Colonies would undoubtedly mean the establishment of naval bases in the Pacific for the Empire with which we are at present at war. There is no question

**Mr. MASSEY—cont.**

about it. Germany would at once establish a naval base in Samoa and a naval base in New Guinea. Wireless stations would at once be established there, with the possibility of communicating with other wireless stations again in different parts of the Pacific. We should have those two islands made aviation centres. We are all impressed with the idea that aviation is going to take a very important part in the wars of the future, and, probably, in the commercial relations of different countries.

Then we have to remember the submarine menace. There is no doubt in my mind that handing back those two Colonies to Germany would mean the introduction of German submarines in the Pacific—something we are exceedingly anxious to avoid. We know what has happened here, and it is not necessary for me to refer to or elaborate it.

We in the South Pacific have a very distinct recollection of what happened when War broke out, and we knew that Germany had at that time several very fast and very powerful cruisers in Pacific waters. I can recollect them now, because their names are impressed on my memory, particularly the two big ones, the "Scharnhorst" and the "Gneisenau." Then there was the "Leipsic" and the "Dresden," and the "Emden," which was in the Pacific at the commencement of the War, but which afterwards found its way into the Indian Ocean and was smashed up there. We do not want anything of that sort to happen again, and the fact of their presence in the Pacific will always be impressed upon our minds by the recollection of the other fact, that they were met by several British ships inferior in size and armament and in the numbers of the crews, and the result was the death of several hundreds of the very best of our British seamen. Two cruisers of fairly large size, though not to be compared with the "Scharnhorst" and "Gneisenau" were sunk. I am thinking of the "Good Hope," which I think I am right in saying was the gift ship of the people of South Africa, and the "Monmouth," both very useful ships, and now at the bottom of the Pacific as the result of what took place. With those things in our minds we are naturally anxious for the future, and I say at once, and I say it with all the emphasis I can command, that the British citizens resident in the South Pacific, in Australia and in New Zealand, in Fiji and in the different groups of islands where they are located—and I hope there will be many more British residents there in the future than there are at present—cannot look forward with equanimity to the future if those German Colonies in the South Pacific are to be handed back to Germany after the War. The position at the present time is that the Germans are out of existence so far as the Pacific is concerned, and we want to keep them out of existence so far as the Pacific is concerned. Personally I hope that the different parts of the British Empire will take care that their relations and our relations will be very different with the citizens of the enemy countries after the War as compared with what they were previous to the War. I think Members generally will understand our anxiety with regard to what may take place.

I do not want to overlap what Sir Joseph Ward has said about it. I cannot remember all the points he mentioned and I have not a copy of his speech here, but I do want to say something about Samoa. One of the things which the British public in the South Pacific have not forgotten is what has happened to Samoa in past years. Long before I took an interest in politics or ever contemplated the idea of coming across to this side of the world to represent New Zealand at the Imperial Conference, there was trouble with regard to Samoa right away back as far as the seventies. At that time the native Chiefs in Samoa became impressed with the dangers of the position. At that time the desire was expressed by certain European countries to obtain possession of territory in the Pacific. German Samoa is a particularly fertile Island, one of the very best for its size, and even then it was known that certain European Powers were anxious to obtain possession of it and were negotiating with some of the native people with that object. The native Chiefs (and let me say that my experience of the native people in the South Pacific Islands gives me the impression that they are far more intelligent than people on this side of the world give them credit for) became so impressed with the danger that they convened a great meeting, the result of which was that they sent a deputation to Fiji to interview Sir Arthur Gordon, who



Mr. MASSEY—*cont.*

was at that time High Commissioner of the Western Pacific and represented the British Government there.

I am afraid, Sir, I shall be keeping Members of the Conference too long if I now finish what I have to say to-day on this Pacific question, and I think it would be better if I asked leave to take this up again at our next meeting.

CHAIRMAN: That will be at the next meeting, when we are able to resume it, because there are more pressing things with which we have to deal.

Mr. MASSEY: I agree.

#### Order of Business.

CHAIRMAN: Wednesday was suggested as the day for an evening session, but we cannot have that because I have since been reminded that that is the evening upon which His Majesty's Government propose to entertain the Conference at dinner.

Sir JOSEPH WARD: I think the question of evening sittings had better be left over until next week, and in the meantime we can look at our engagement books to see if we are free.

CHAIRMAN: I was going to suggest whether it would be possible to meet at 10.30 on Monday next instead of 11, which would give us an extra half an hour.

Mr. MASSEY: I am prepared to finish what I have to say now, but it will keep Members of the Conference here another quarter of an hour, or if you prefer it I will postpone it.

CHAIRMAN: If it will only take another quarter of an hour, that would finish it all, or would the Members of the Conference like to adjourn?

Sir ROBERT BORDEN: I think we had better finish it now.

Sir JOSEPH WARD: Personally I have to go away to keep an important engagement. I would like to be here when the Motion is put. I am exceedingly sorry.

CHAIRMAN: Then we must finish it at the end of the next meeting.

#### Earl Grey's Scheme for a Dominion House in Aldwych.

(See p. 84 of [Cd. 8566].)

### ELEVENTH DAY.

Monday, 23rd April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 10.30 AM.

The names of those present are printed on p. 85 of [Cd. 8566].

#### Order of Business.

CHAIRMAN: A Draft Agenda paper for this week has been circulated. I do not know whether the Conference are prepared to accept that provisionally, or whether they wish to say anything about it.

Mr. CHAMBERLAIN: I should be glad if it were possible to postpone the Indian question to Thursday or Friday. I do not know whether that would be possible, but I want to have some further conference with my colleagues from India on the subject, and with some of my colleagues here.

CHAIRMAN: Is it the pleasure of the Conference that the Indian Motion be postponed till Friday?

Mr. CHAMBERLAIN: If we put it first on Friday, then, perhaps, we might take Medals or Double Income Tax on Wednesday; or perhaps both of them on that day.

CHAIRMAN: Yes; then we could postpone the Indian question to Friday, and provisionally bring up the question of Medals and Double Income Tax. Otherwise, may I take it that the Agenda are approved?

Mr. ROGERS: I think Mr. Massey has some objection to the question of Double Income Tax coming on before Friday, if I recollect rightly.

CHAIRMAN: He has drafted his Resolution and handed it in. We cannot tell about that until he comes back.

Sir JOSEPH WARD: He will be back this evening.

CHAIRMAN: Then perhaps you will see him.

Mr. CHAMBERLAIN: Possibly if that were the case, Sir Joseph Ward could take his Motion on Telegraphs on Wednesday.

Sir JOSEPH WARD: Yes, on Wednesday I could take that.

Mr. CHAMBERLAIN: Yes, if Mr. Massey prefers to defer the question of Double Income Tax.

CHAIRMAN: Then we will bring up the Motion with regard to Telegraphs on Wednesday.

#### Care of Soldiers' Graves.

(See pp. 86-93 of [Cd. 8566].)



11th Day.]

IMPERIAL MINERAL RESOURCES BUREAU.

[23 April 1917.]

## Imperial Mineral Resources Bureau.

CHAIRMAN: The President of the Board of Trade is in charge of this question, and Sir Albert Stanley will tell the Conference what the position is. Two memoranda<sup>\*</sup> have been circulated, but they are only for the information of the Conference, and for discussion if they choose. They have not been agreed to by His Majesty's Government, and therefore could not form the subject of Resolutions.

Sir ALBERT STANLEY: I would like, first of all, to move this Resolution, which follows the lines of that already submitted to the Conference but has been amended to some extent. I presume a copy of it has been circulated. It deals with the formation of an Imperial Mineral Resources Bureau, and perhaps I might read it:—

"That it is desirable to establish in London an Imperial Mineral Resources Bureau, upon which should be represented Great Britain, the Dominions, India, and other parts of the Empire. The Bureau should be charged with the duties of collection of information from the appropriate Departments of the Governments concerned and other sources regarding the mineral resources and the metal requirements of the Empire, and of advising from time to time what action, if any, may appear desirable to enable such resources to be developed so as to meet the metal requirements of the Empire. That with this object in view, His Majesty's Government should consider the methods by which, whether through the co-ordination and adaptation of existing institutions or the creation of new organisations, such a bureau can best be constituted, and should submit a scheme for the consideration of the other Governments summoned to the Conference."

I should like to move that Resolution.

CHAIRMAN: That Resolution has been moved by Sir Albert Stanley, the President of the Board of Trade.

Sir ROBERT CHALMERS: I shall be pleased to second it.

CHAIRMAN: The Resolution has been moved by Sir Albert Stanley and seconded by Sir Robert Chalmers. Does any Member of the Conference desire to raise any question on it?

Sir JOSEPH WARD: Perhaps Sir Albert Stanley might now explain the Resolution, so as to give us an opportunity of hearing what he has to say about it.

Sir ALBERT STANLEY: I have nothing further to add this morning, because if you take the last part of the Resolution it would appear that what is suggested is that there should be submitted, for the consideration of the Governments, some scheme whereby this Bureau would be established. I do not know whether that could be done before this Conference adjourns.

Mr. ROGERS: Do you suggest that it should be done?

Sir ALBERT STANLEY: I doubt whether it could be done before the Conference adjourns. It occurred to me that perhaps Mr. Long, the Ministry of Munitions, and the Board of Trade might get to work and prepare a scheme for the consideration of the Conference.

Sir JOSEPH WARD: May I ask Sir Albert Stanley if it is contemplated that this last section of the Resolution should establish what has been referred to as a Commercial Corporation for the purpose of developing the resources of the Empire?

Sir ALBERT STANLEY: No.

Sir JOSEPH WARD: It was talked of.

Sir ALBERT STANLEY: It is quite separate from the proposal for a Commercial Corporation. We propose to bring the latter up for discussion later on. This is purely a statistical matter; it only deals with the statistical side, both with respect to the resources of the Empire and the needs of the Empire.

\* See Memoranda printed on pages 297 to 303.

23 April 1917.]

IMPERIAL MINERAL RESOURCES BUREAU.

[11th Day.]

CHAIRMAN: Dr. Addison, the Minister of Munitions, has been good enough to come and would like to say something to the Conference upon this general question.

Dr. ADDISON: Perhaps I might say a word on the general question, particularly with respect to the last paragraph of the draft Resolution. It appears to me that a good deal depends on what you want this Bureau to do. I think no organisation will really meet the needs of the case, so far as our experience indicates, unless it is empowered to take borings and make testing experiments, and to take such action as may enable it properly to ascertain the mineral resources in different parts of the Empire, and at the same time conduct any necessary trials or experiments which will make it competent to give reliable advice as to which of them should be developed, and as to the best ways of developing them and using them. So that a mere bureau of information I do not think at all meets the requirements of the case. I know, for example, so far as existing organisations go, there is a great amount of information obtainable through the organisation of the Imperial Institute, but I think we ought to contemplate something which goes a good deal further than anything which exists at present, because we have found ourselves confronted constantly in the war emergencies by lack of knowledge, let us say, on the part of British manufacturers of the actual manufacturing methods for developing some of our mineral resources. These resources have been diligently acquired in many cases by the Germans and others, but they have not been available to British manufacturers. If you take a typical case, spelter, it was desirable to make use of the Australian spelter, which is a zinc sulphide, and I understand that great difficulties have been experienced in getting the proper methods of smelting this zinc sulphide so as to get the proper proportion of sulphur on the one side and a good class of zinc on the other. This information, of course, has been fully acquired by the Germans and their Belgian companies, but they have not worked on these zinc sulphides in this country to any extent, and therefore the industry has been very much handicapped up to the present by the lack of information on the detailed manufacturing processes.

Sir ROBERT BORDEN: Lack of industrial knowledge.

Dr. ADDISON: Lack of industrial knowledge, Sir Robert, that is the point. I want this Commission—using the word "Commission" in the sense that it applies perhaps to something more executive than a mere Bureau of Information—to do that work. I do not quite know what this last sentence of the Resolution means, whether it simply means that we should amalgamate, which obviously is desirable, the various existing organisations for collecting information at the Board of Trade, the Imperial Institute, and so on. That is very desirable in itself, but I hope that we shall, at all events, carefully consider whether a body equipped with much wider powers than that which I have indicated is desirable. For my part I do not think that the British or Empire manufacturers will really be very much further on unless we have a body equipped in the first place to do the kind of thing I have indicated. That is why we ourselves very much preferred the outline which we have indicated in the Memorandum prepared by the Ministry of Munitions, because we have found ourselves in the War sorely handicapped by the lack of assistance which such a body as that proposed could have given.

Sir ALBERT STANLEY: Perhaps I might say here, as I think I said before Dr. Addison came in, that this Resolution is only dealing with one aspect of the case. But the commercial side—that is the scheme which will have to be set up, and the machinery to be brought into existence to vitalise and bring into life the information secured by this Commission, or Bureau, whichever you like to call it—is still a subject for discussion at this Conference; we had proposed, provided this Resolution was agreed to, to take up for discussion the Memoranda by the Ministry of Munitions and the Board of Trade which have been circulated, which really deal with a much wider aspect of the case of which this Resolution is only a phase. It would be necessary that the proposals in the draft Resolution should be woven into the bigger scheme when it is really understood what sort of problem we have to face and how we propose to solve it.



CHAIRMAN: We could not adopt a definite scheme at the Conference to-day, because, obviously, there must be agreement between the different departments here. What we thought desirable was that we should hear the views of the Ministry of Munitions on their Memorandum and then adopt some procedure, such as that indicated by the President of the Board of Trade with regard to the future.

Sir ROBERT CHALMERS: Speaking from the Treasury point of view I might explain their views generally on the idea you have enunciated. As you, Mr. Long, are aware, we communicated about the proposals of the Dominions Royal Commission as to Imperial Development, which go further than minerals.\* You cannot deal with minerals apart from a policy dealing with other things, but, first and foremost, it seemed to the Treasury (and, I think, to the Chancellor of the Exchequer) that the need was to know where you were, to take stock of your assets, and, following the advice which was accepted by the Treasury from the Dominions Royal Commission, to have an advisory body to go into the thing very fully, and to indicate in the light of their experience what would be the proper step to take, but first to begin with an advisory body.

Dr. ADDISON: How would you take stock of your assets, Sir Robert, unless you have some such power to make experiments and trials as I have indicated? You would not know what your assets were worth.

Sir ROBERT CHALMERS: Advisory, I say, in the first instance. I do not say that experiments and trials are precluded necessarily. If the advisory body advised Government to proceed on those lines I had not contemplated that that was excluded. Those are matters to be considered by this proposed Committee.

Sir ROBERT BORDEN: There are three distinct ideas, it seems to me, put forward. One is an organisation which will be solely occupied with the compilation of statistics from existing sources of information. There is a further suggestion that this or some other body should have the power to add to that information, already available in various Departments of Government here and in the Dominions, by actual experiments, borings, and undertakings of that character. Then there is the third proposal, that in addition to all that there should be some body charged with the duty of acquiring information as to the industrial methods by which these resources might be made available and of putting that information in such a form that it may be useful to companies engaged in commercial undertakings. Those are the three proposals. Is it the suggestion that one body should undertake all this, or that you should have two bodies or three bodies? It seems to me important that we should come to some conclusion about that if possible. Perhaps it may be intended to leave that question for consultation between the British Government and the Governments of the Dominions.

Sir ALBERT STANLEY: Only to a certain extent. I think the discussion which must follow this morning on the Memoranda which have been submitted will make more clear the whole position.

CHAIRMAN: But you would ask the Conference to adopt the general Resolution first?

Sir ALBERT STANLEY: Or it might be reserved until there is a further discussion of the whole problem of the commercial aspects of the matter.

Mr. HAZEN: Is it proposed to discuss, or would it be in order to discuss, this whole question on minerals on the Resolution submitted by Sir Albert Stanley, or should the Resolution be taken first and should we then consider the recommendations in the Memoranda which are before us?

CHAIRMAN: I think the idea was that the Resolution might be adopted by the Conference if they see fit to do so, without in any way prejudicing the wider discussion which would follow afterwards, not necessarily to-day.

Sir ROBERT BORDEN: This Resolution, I suppose, leaves it quite open to be determined afterwards whether one organisation, two organisations, or three

\* See pages 158-163 of [Cd. 8462].

Sir ROBERT BORDEN—*cont.*

organisations should undertake these proposed branches of the work. That being the case, I cannot see any objection to passing this Resolution, subject to the consideration that it goes only a very small part of the way.

Dr. ADDISON: It is for His Majesty's Government to consider the question after consulting this Conference. I was anxious that we should, if possible—of course, nobody can be committed to details at this stage—arrive at some measure of common understanding, and I hope that possibility will not be prejudiced by the suggestion that the whole thing could be hereafter considered by His Majesty's Government as suggested in the last sentence.

CHAIRMAN: I think the intention of the last paragraph of the Resolution was merely to preserve the right of any existing bodies here to consideration before they were put on one side and a new body created.

Sir JOSEPH WARD: I agree with this Resolution, but it raises one or two points about which I would like to have some information. The first paragraph of this Resolution says: "That it is desirable to establish in London an Imperial Mineral Resources Bureau, upon which should be represented Great Britain, the Dominions, India, and other parts of the Empire." For the information of the Conference ought we not to have, if the Board of Trade has a fixed opinion about it, some idea as to whether they intend the work of the proposed Bureau to be separated from the work which the Imperial Institute has been carrying on? I do not think there ought to be two bodies in existence trying to give effect to what is conveyed in this Resolution, because necessarily in course of time it means that one or the other will be the recognised one throughout the Empire, and the other must become unnecessary.

Sir ROBERT BORDEN: Would not the last clause make the position pretty clear? It says: "whether through the co-ordination and adaptation of existing institutions or the creation of new organisations, such a Bureau can best be constituted." It seems to leave the question open.

Sir JOSEPH WARD: It leaves it open, but as a matter of fact some of us who are here at the present time hope to go back to our countries with a view to further assisting the Imperial Institute in order to bring it into an active organisation. I do not know whether the Board of Trade can tell us before we leave this country whether it is desirable to leave out the Imperial Institute or to utilise it. We do not want, from the New Zealand point of view at least, to tell our Parliament that we propose to give assistance to a particular object unless we know what that object is. Whether at the moment there is any prospect of co-ordination between the Imperial Institute and the Board of Trade I am not in a position to say, but I am rather anxious to know. If there is not, the sooner we know the better, because after all the more important question from the Empire point of view is to be sure that this organisation will be the most effective in whatever way it may be created, whether by co-ordination or reorganisation or under a fresh constitution. The all-important question at the moment is to obtain the best information possible with a view to helping the other organisation, which Dr. Addison was urging, and which, I entirely agree, should be brought into operation so as to utilise the information which the first organisation will obtain. For instance, I would like to know whether it is contemplated to have a check on exploitation in the general interests of the public, provided by the second organisation. I know that from the New Zealanders' standpoint there have been proposals made from time to time, in connection with the boring for oil for instance, and I am inclined to think that at times the public have been exploited. I want to know whether one of the organisations that are going to be brought into operation is, as the result of testing or boring, going to be in a position to intimate to the public that a given proposal is a good one, or a *bond fide* one. The Germans have been doing that for quite a long time. They have prevented the exploiter from making a huge profit out of company-mongering and then leaving the public, who have innocently come in, to carry on with, in all probability, failure or disaster following. If we are to have this very



Sir JOSEPH WARD—*cont.*

important matter of the utilisation of non-ferrous metals throughout the Empire, either in peace times or in emergencies, carried out on the best possible basis, one of the proposed organisations has got to protect the public. We believe we have got latent resources in oil in New Zealand, which have been tested to a slight extent, which should, if satisfactory, be available through the Empire as a whole. Now, if after the first organisation is brought into existence and has collected information, that information is given publicity before another organisation has gone through experiments, or has prospected and tested what that information conveys, I am not at all clear that that would be the best thing in the interests of the public. What the public want is the fullest information which can be obtained, with the stamp of a well-recognised, impartial, independent, and well-established authority upon it.

Sir ROBERT BORDEN: Does not that safeguard depend upon the policy of the various Governments throughout the Empire? Any organisation established here will not have the power to make a grant of natural resources in the Dominions. That power can only be exercised by the Dominions themselves, and when the information is once obtained it will be for the Governments of the Dominions, in consultation and co-operation with each other, perhaps, and with the British Government, to determine the best method of development and user, in the general national interest, of any resources which may be brought to light by the methods proposed.

Sir JOSEPH WARD: Does that presuppose that each of the Governments is going to control the places where mineral resources may be obtained?

Sir ROBERT BORDEN: They do control them now.

Sir JOSEPH WARD: To a certain extent, yes.

Sir ROBERT BORDEN: As far as Canada is concerned to every possible extent; there is no authority outside Canada that can deal with the mineral resources of Canada or any other resources of Canada.

CHAIRMAN: Supposing a man has his own property with coal upon it?

Sir ROBERT BORDEN: If it is his own property, of course he deals with it, but I thought you meant the mineral resources that are still vested in the Crown in the various Dominions. But in any case the legislative control is in the Dominion.

Sir JOSEPH WARD: No, I mean generally, because it is out of those mineral resources that some people have exploited the public and made money out of them, where the properties have proved afterwards not to be of very much value. Erroneous representations have, on occasions, been made which were perhaps at the time not intentionally misleading. It may clear the ground, however, if Sir Albert Stanley's Resolution is assented to, and then the other more important issues can be raised upon this Memorandum by the Board of Trade.\*

Mr. HAZEN: To this Resolution standing by itself as submitted and handed in by Sir Albert Stanley I do not think any serious objection can be offered; but to-day we have placed before us a Memorandum with the date on it of 18th April which is known as the report of the Non-Ferrous Metals Committee.† If our agreeing to the Resolution moved by Sir Albert Stanley should in any way commit us to agreeing to these recommendations made by that Committee I would not be disposed to fall in with that.

CHAIRMAN: They have nothing to do with it.

Mr. HAZEN: Because I think that before in any way agreeing to these recommendations we must give them the greatest possible consideration. I may say I agree with what has been said by Sir Joseph Ward. The Non-Ferrous Metals Committee recommend the formation of a number of organisations with the idea which they have in view of the elimination of enemy interests in the metal trade of the Empire and her Allies and the preservation for the use of the Empire of the natural resources of the Empire. With that underlying principle I think everybody will

\* See page 300.

Mr. HAZEN—*cont.*

agree in the very fullest measure; but this Committee make recommendations in favour of the establishment of an Imperial Non-Ferrous Metal Committee, an Inter-Allied Non-Ferrous Metal Committee, an Imperial Ore and Metal Company, and separate similar Companies for the Dominions, a French Company, a Belgian Company, and an International Company which may be formed by the other companies. Now they recommend first the establishment of these Metal Committees for the purpose, as I understand, of advising the Government regarding questions in which metals play a part, but they also recommend the formation of an Imperial Ore and Metal Company. It appears from the Memorandum laid before us that it is contemplated that that Company shall receive very large financial assistance from the Government, and yet should remain a private company. I had the privilege of attending a few of the meetings of that Committee, and I placed my views before the Committee then, and I would like to place them very briefly before this Conference now. They were to this effect, that in dealing with this metal trade from an Imperial standpoint all opportunity of private profit ought to be eliminated, it ought to be dealt with entirely from the standpoint of the Empire and not in any way from the standpoint of private or personal interest; and if it is contemplated to form a company which, after all, being a private company is going to receive large financial aid from the Government, I can conceive in dealing with this metal question there would be an opportunity for those gentlemen who come in in the first place and are members of that company, to make very large profits out of the enterprise. I think every precaution ought to be taken for the purpose of preventing that being done, and I would suggest for the consideration of this Conference that, instead of forming a Committee of private individuals and of men interested in the Metal trade who naturally would be anxious to make profit by the undertaking, and perhaps fairly so, the whole matter should be managed by a Commission appointed by the Government of this country, perhaps in consultation with the Governments of the other Dominions, which shall be practically a Department of the Government of this country, and shall manage it as another Government Department might be managed, and which will not have any private gain out of the undertaking apart from the salaries that may be paid to them for the services which they render. If, however, a company is formed, and it receives assistance in the way of legislation from the different Dominions Overseas and from the Parliament of this country, and if it develops so that in time these men make large sums of money as members of the company out of the undertaking which is managed in this way, I am satisfied that there would be a feeling created which would cause a very great deal of adverse criticism which will be most unfortunate in every respect. With that underlying idea, that the metals of the Empire should be used primarily for Empire purposes, as I said before, everybody will agree. We will all do our best to carry it out, so that in the event of another great war the Empire will not be in the position it was in at the beginning of this War, with the metal trade very largely controlled by German interests. I think every precaution must be taken in developing and carrying out the idea to see that private profiteering is not allowed, and that it is managed for the State and in the interests of the State alone.

Sir ALBERT STANLEY: If I may answer Sir Joseph Ward first of all, had raised a particular point with reference to the Imperial Institute. There is more than one Government Department concerned in this matter, and until we have had a free discussion with all the Departments concerned, perhaps it would not be fair for me to make any comment, certainly not of an official character. But if I could venture to give my personal opinion on this matter, it would be that the Imperial Institute should be continued, but that it should be very greatly strengthened, of course financially and otherwise, if it is to be able to secure the objects we have in view. I cannot go into any details because it involves other Departments, the Ministry of Munitions and several others, and therefore it occurred to me that if this principle were accepted by the Conference we could then arrange for a meeting of the Departments concerned with a view to making up a scheme which certainly, as far as I am concerned, would clearly include the Imperial Institute to a great extent.



CHAIRMAN: On the occasion of the last discussion some Members of the Conference expressed a desire to hear the views of some representative of the Imperial Institute, and it was suggested that Lord Islington might attend to-day. Lord Islington has been good enough to come and is here, and perhaps the Conference would like now to hear him.

LORD ISLINGTON: I am obliged to you, Mr. Long, for allowing me to come here to-day as representing the Imperial Institute to put forward its position in regard to this question. I understand from the discussion the line of consideration, and I would respectfully suggest that previous to any subsequent commercial undertakings, there must be some established organisation which will comprehensively compile and collect and investigate and report on all the mineral resources of the Empire. That, I think, is in accordance with the Resolution handed in by Sir Albert Stanley. I would suggest, for the consideration of the Conference, that the Imperial Institute is an exceptionally appropriate organisation to carry out this purpose. It has been doing this work, I think by general consent with satisfaction, for some years past. Recently, within the last year, under the statutory reconstruction of the Institute there has been formed a Committee of Geologists and Metallurgists of eminence, experts in their work. That Committee is sitting continuously at the Institute and generally administering the work of the Institute in regard to mineral resources. In addition to that there is an expert staff composed now of about ten who are chemists and geologists within the Institute itself. Therefore you have, at any rate, the nucleus of what, with financial assistance and State extension, would provide an organisation of the character which is suggested in this Resolution by Sir Albert Stanley. The first task of an organisation of this character would be, I would suggest, the comprehensive collection of all information from all parts of the Empire as to mineral resources. That information would of course be obtained from the Geological Departments and Mineral Departments of the various Dominions. It would in no way interfere with those Departments but would be supplementary to and auxiliary to such Departments with a view to compiling the information at the centre of the Empire. Then when that was done there might be an extension of what is being done now at the Institute, namely, free publication of all the information derived. I will not go into the detail of that because it would take too long and would delay the Conference. All I would say is that there is room for considerable improvement in the publication. It should be specialised; it should be made comprehensive, and I think, as regards mineral resources, instead of being embodied in a volume dealing with other matters it might well be a matter of sufficient importance to justify a journal of its own, either monthly or quarterly. Then, in addition, there would be the preliminary investigation of these mineral resources, and, if I may, I would lay stress upon the word "preliminary" as distinguished from anything in the nature of profound research as to these minerals. It should be a preliminary investigation in order to arrive at some satisfactory conclusion as to whether a mineral is appropriate for commercial purposes. The Institute would not suggest generally—that it would undertake the profound research into those minerals; that could best be done by the appropriate laboratories that are in existence for the purpose. At the same time I would suggest that they should not be debarred from it because it is necessary that the staff should have every encouragement, that there should be every encouragement for the employment of the best staff, and therefore they should be given opportunity in that direction. Speaking for myself, I have not the fear that some people have of the danger of overlapping. I think that in an important case like this certain overlapping here and there must take place; it is better in any case to have a certain amount of overlapping rather than have no work done at all. Those are the three main functions which the Institute would perform. It would also continue to do what it has done in the past with success; it would institute mineral surveys in the Colonies and Protectorates. Very useful work has been done in the recent past in that direction in Nigeria, where coal has been found, and in Nyasaland, where mica has been found, and in Ceylon. A special

# LORD ISLINGTON—cont.

survey staff was appointed for that purpose and that work has been carried out satisfactorily. I think, gentlemen, that is practically all I have to say. All I wish to impress upon you is that this Committee, which I alluded to at the commencement of my remarks, has recently been considering this whole question and they have issued an interesting report in which they definitely recommend that the Institute should continue this work, and that substantial additions financially and in the number of their staff should be made in order to carry it out more completely and more comprehensively. They suggest that this work could be carried out and should be carried out in London and should in no way interfere with the existing Departments in the Dominions, but should work in the closest co-operation with them and should be supplementary to them. I think any commercial proposals such as those that have been indicated in the discussion this morning must, if they are to be successful, be preceded by very careful investigation of these minerals in order that before the commercial enterprise starts it should be made clear that the mineral is one which is adapted to successful commercial enterprise. Therefore I would ask Mr. Long and the Conference, at any rate, to carefully and favourably consider the advisability of retaining the assistance of the Imperial Institute for this purpose with the machinery it now has at its disposal, constituting as it were a kind of Clearing House for the mineral resources of the Empire, and that favourable consideration should be given to that proposal before the alternative proposal should be accepted of starting an absolutely new Bureau with all the difficulties inherent to the establishment of an untried organization.

CHAIRMAN: We are very much obliged to Lord Islington. I do not know whether any Member of the Conference would like to ask Lord Islington any question directed to any particular point; if so, I am quite sure he will be very glad to give any information he is in a position to give.

Sir JOSEPH WARD: I want to put a question to Lord Islington, and I do it for the purpose of having it put, if I may say so, at the same time to the Board of Trade. In collecting the information by the Imperial Institute to which you have referred, do you anticipate that there will be any delay to the work of the other suggested body that is going to report upon any proposed venture for commercial purposes? In order that you may thoroughly understand what is in my mind there are enterprising spirits right throughout the Empire, who, upon the assumption that the State should not control all the minerals, to which Mr. Hazen has referred, might embark upon them, and I want to know if there would be any delay, say of six or twelve months, before the second body commenced to make what in the initial stages might require to be partial investigations only? One of the troubles I foresee, and one which is evidently in the mind of Lord Islington and Sir Albert Stanley and the Board of Trade, and also the Ministry of Munitions, is that if there was long delay it would immediately create dissatisfaction and possibly opposition.

LORD ISLINGTON: The answer I would like to give to that would be this, that I think it would depend on the obscurity or otherwise of the mineral. If it was a perfectly clear case where the mineral was recognised as being one that could be advantageously dealt with commercially, I should think the delay would hardly exist at all. If, on the other hand, it was new ground and really required scientific investigation there might be a certain delay, as I am not sure that, although the delay might be a matter to be deprecated, it is not really a necessary prelude to any commercial enterprise and might be the means of protecting the public from an unsuccessful enterprise.

Dr. ADDISON: We assume, if we are going on to discuss the further Memoranda, that a Commission, or whatever it may be called, has been set up which would, as Sir Albert Stanley suggests, use the Imperial Institute and its organization as far as it was found desirable as one of its instruments for supplying it with information. I entirely agree with that, but it would have to go a good deal further than requiring certain information. But I take it the points, which are of far-reaching importance, will really arise on the Memoranda themselves.



General SMUTS: The trouble, I think, about this proposal now before us is, that whereas nobody could object to a Bureau to collect information, it does not carry us any further, because the Bureau is not going to do anything further. I see the last paragraph says: "That His Majesty's Government should consider the methods by which, whether through the co-ordination and adaptation of existing Institutions or the creation of new organizations, such a Bureau can best be constituted, and should submit a scheme for the consideration of the other Governments summoned to the Conference." So that as this Resolution stands we are simply asked to pass a sort of academic idea that it is desirable to have a body to collect information, but that body is not going to be appointed.

The Dominion Governments are first to have the scheme submitted to them by the Imperial Government, so that there is nothing but the application of a theory about it. The whole question appears to me to be an immensely difficult and complicated one. I have looked through the two Memoranda in front of us, and it is clear to me that the whole subject requires the most careful consideration. A number of Committees and Boards and Companies are proposed here, and it seems to me that they will probably have to be multiplied further. There is a French Company and a Belgian Company, and I suppose now there will be a United States Company and a Russian Company and an Italian Company. I do not know where it is going to end if this War continues much longer and we get more Allies. So I do not know, Mr. Long, whether the proper procedure is not for this matter to be very carefully thought out and the scheme submitted to the Dominion Governments for their very careful consideration and for discussion at the next Conference. The point Mr. Hazen has raised is a very important one. The control partly by Governments and partly by other people of the non-precious metals raises, of course, very large issues indeed. In South Africa we subsist very largely on mineral products, not only of the precious metals but the non-precious metals, and the primary object raised here is to see that those metals, so far as they are essential to the resources of the Empire in peace time and in war, should not reach enemy countries. That is our main object. But these proposals go much further, and tend to constitute a semi-Government and semi-private monopoly in certain hands for the future exploitation of these metals. That is an entirely different position, and I think that the matter does require very careful and detailed consideration. No decision can be come to now; it is quite impossible that we should on a matter of such far-reaching commercial policy as this come to any decisions at this Conference, and it is not supposed either that we should. Therefore I do not know that the best way is not to avoid any academic Resolution now, and to think out the whole matter properly and bring it up for settlement at the next Conference. I have no objection whatever to a Board for collecting information and for advising the Government, but as that Board is not going to be constituted at all I do not see what is the use of passing the Resolution.

Dr. ADDISON: I should like to say that I have a great deal of sympathy with what General Smuts has said. For my part I may say, speaking for the Department I represent, that we are entirely of opinion that this Bureau should be set up with the least possible delay, because otherwise we shall find ourselves at the end of the War, I am quite sure, enormously handicapped, and we shall find that a great number of our precious or essential minerals have been got hold of by other people. There are, I am told, in this country at the present time agents of people who are now our Allies, and people formerly representing neutral companies anxious to acquire certain mineral rights in different parts of this kingdom.

CHAIRMAN: In our kingdom at home?

Dr. ADDISON: Yes, in the United Kingdom, and who are, I believe, under agreement to acquire them. It is of the first importance that no avoidable delay should be incurred, otherwise our industries will be seriously handicapped at the conclusion of peace. I think General Smuts' point really arises on the second portion of the Ministry of Munitions Memorandum, and if there was a special discussion upon it, as General Smuts suggests, I would welcome it.

CHAIRMAN: General Smuts' suggestion was that the wider aspects should be deferred to the next Conference and not to a special meeting of this Conference.

General SMUTS: Yes, to the next Conference.

Dr. ADDISON: I do not think that you can afford to postpone the matter for a long time; an organization competent to deal with the matter in some form must be set up, I am sure, without delay and before the conclusion of the War.

Sir ROBERT BORDEN: Perhaps the Resolution might be passed with some words in it to indicate the necessity of expedition: "With this object in view His Majesty's Government should with the least possible delay consider the matter."

Sir ROBERT CHALMERS: I second that motion.

CHAIRMAN: The last paragraph of the Draft Resolution was put in really to protect the Imperial Institute. That is the main object of the last paragraph.

Dr. ADDISON: That is quite unnecessary, I am sure.

CHAIRMAN: The Conference will remember that Sir George Perley raised the question first, and suggested that the original Resolution as it then stood might be held to wipe out the Imperial Institute as a possible part of this new machinery. It was to protect the Imperial Institute that those words were inserted, but I do not know that they are essential, because the case for the Imperial Institute has now been presented by Lord Islington, and the Conference is fully seized of it, and the President of the Board of Trade, I am quite sure, will not contemplate ignoring the Imperial Institute. It is quite clear from what the Minister of Munitions says that prompt action is necessary, because the moment the War terminates he is afraid that between that time and the summoning of a new Conference some action may be taken by people who are not members of the British Empire which would be very injurious to us.

Sir ALBERT STANLEY: It is not only a question of considering the foreign interests which might acquire mineral resources in the Empire, but our own people who are selling their interests to foreign people. That is the difficulty we are in, and, as Dr. Addison has said, this is going on constantly; we hear of it from all sources, not only that our own properties are being disposed of, but that valuable deposits in foreign countries and neutral countries that we should like to consider are being taken hold of by foreign interests, particularly American. It is of the utmost importance, and we cannot too strongly emphasise the need of it, that some action should be taken, and that machinery should be set up in some form or other which will give us an opportunity of competing with those who are trying to buy up mineral resources all over the world.

Sir ROBERT BORDEN: This Resolution is really a proposal to establish, with the least possible delay if my suggestion should be considered, an organization to acquire statistical information. As far as the Dominions are concerned, I am sure they will be glad to co-operate in every possible way in placing all available information at the disposition of that body when it is created. The delay which is taking place seems to be occasioned by some misunderstanding or difference between the various Departments here. Might I suggest that we should pass this Resolution with some words urging expedition and that then the Departments here which are not at one with regard to the constitution of the proposed authority should get together at once; and while this is not by any means all that must be done, still it is a step towards doing something. The collection of information is in itself of importance, and the Resolution seems to have that, and only that, in mind as I understand it.

Sir ALBERT STANLEY: We might consider adding these words in the last paragraph of the Resolution, after the word "consider" put in the word "forthwith" — "should consider forthwith"; and then after the word "submit" insert "as soon as possible." Perhaps that would meet the point.

Sir JOSEPH WARD: I agree absolutely, Mr. Long, with the expression of opinion that this matter shall not be delayed. The question is too important for the whole Empire to allow of any delay. I think General Smuts' view upon the question as applying to some of the minerals that we know are more specially those of South



Sir JOSEPH WARD—*cont.*

Africa would not in the least be interfered with by the passing of the Resolution as amended now. But what we have to look out for is what Dr. Addison has already pointed out, the possibility of minerals falling into the hands of other people at the conclusion of the War.

Dr. ADDISON: Or even before.

Sir JOSEPH WARD: Or even before. We want to protect the Empire and to ensure that the Empire, which possesses the bulk of the minerals which are wanted for war purposes and also for manufacturing in peace times, should not be placed in the position in which they were in pre-war time, of our enemies controlling those minerals.

CHAIRMAN: There is no difference of opinion in the Conference, so far as I am able to ascertain, with regard to our objects. The Conference seem to be agreed that it is desirable that prompt action should be taken, and that there should be some means of interfering with undesirable proceedings in different parts of the United Kingdom as well as in the Empire as a whole. It seems to me that this last paragraph of the draft Resolution, which was really put in for a special purpose, goes rather further than it was intended to go. It really appears to indicate delay, whereas what you want is promptness. I wonder whether some words of this kind might meet the case: "That with this object in view, His Majesty's Government take immediate action, having due regard to all existing Institutions." If you put in those words, you do all that is necessary to safeguard the Imperial Institute and to secure prompt action. I only make that suggestion. I do not want to propose those words.

Sir JOSEPH WARD: That puts the matter a good deal more strongly than did Sir Albert Stanley's additions.

CHAIRMAN: I should think it is quite possible that we might arrive at an arrangement for this purpose before the representatives of the Dominions return; but, if not, it is quite easy to cable to all the Governments and ask them to make their suggestions. It would not necessarily take very long.

Sir EDWARD MORRIS: Can anything be said by the Board of Trade as to how matters are likely to work out when this Bureau is constituted? What is it proposed to do? How are the difficulties going to be met? Take the case of a man who has a very large property here and has an offer from an American Company.

Sir ALBERT STANLEY: We propose to deal with that in the next Memorandum we take up after this Resolution.

Sir EDWARD MORRIS: Can anything be said as to how that position could be dealt with?

CHAIRMAN: The Minister of Munitions and the President of the Board of Trade would rather deal with that after we dispose of this Resolution in a general statement when the next two Memoranda are taken. Would the Conference like to amend this Resolution somewhat on the lines I indicated, or would they like to take the words as proposed by Sir Albert Stanley, which are not quite so strong, but I understand he would not object to the alteration? The President of the Board of Trade is rather suffering from his generosity towards the Colonial Office, because the last paragraph of the Resolution was inserted to safeguard the Imperial Institute, and I think it goes further than we want. If the Conference agree, I would suggest that the last paragraph should run in this way: "That with this object in view, His Majesty's Government should take immediate action having regard to existing Institutions, and should as soon as possible submit their scheme to the Members of the Conference." Then if we cannot settle it now we can settle it by cable.

Sir JOSEPH WARD: That is all right as far as I am concerned.

Sir ALBERT STANLEY: I will move that Resolution.

CHAIRMAN: In the amended form. I will have it put into shape and bring it up again presently.

Sir GEORGE PERLEY: Before the Resolution is carried I would suggest that at the end of the second clause the words "and controlled" should be added. Personally it is the control of these matters which interests me very much. The spelter in Australia is developed already.

CHAIRMAN: Shall not we deal with that aspect of the matter in the discussion on the two other Memoranda more conveniently than on this Resolution?

Sir JOSEPH WARD: This Resolution is not intended to control anything. The proposed Bureau is only to obtain information.

Sir GEORGE PERLEY: The Resolution says: "advising from time to time what action, if any, may appear desirable to enable such resources to be developed." I would simply wish to say after "developed," "and controlled," because after all that is the main thing we are trying to effect.

Dr. ADDISON: I think it is a good suggestion—to advise whether any additional steps should be taken with regard to control.

Sir ALBERT STANLEY: I do not see any objection to the words going in, but it does not bind us at all.

Sir ROBERT CHALMERS: The words "the metal requirements of the Empire" really cover the point, I think.

CHAIRMAN: I will bring up the words presently, and now we can pass to the two Memoranda. This Resolution can be formally adopted afterwards.

#### Development and Control of the Empire's Mineral Resources.

Sir ALBERT STANLEY: May I refer to the Memorandum prepared by the Board of Trade and circulated to Members of the Conference, headed "Memorandum on the Control of the Export of certain commodities after the War." I will only refer to it very briefly. First I would refer to the section headed "Ores and Metals." In that particular section we make reference to three particular points; one, the prohibition of exports of minerals and metals except under licence; two, the question of any control by aliens of the mineral resources; and three, trading by any company, firm, or individual in metals except under licence. Now since that Memorandum was prepared and circulated a Memorandum has been circulated, I believe, containing the recommendations of the Non-Ferrous Metals Committee set up by the Board of Trade for dealing in particular with questions in connection with the non-ferrous metals, and also another Memorandum prepared by the Ministry of Munitions. I think we should make it quite clear at the beginning that these last two Memoranda have not been considered by the Government. They are not put forward as in any sense representing the views of the Government, nor do they necessarily represent the views of either of the Departments which have circulated them. Certainly they do not, and are not intended to, represent the views of the Board of Trade. Of course, Dr. Addison will speak for the Ministry of Munitions. Our reason for circulating them at this time was that advantage might be taken of this Conference to lay before it the information which has been given to us simply as a basis for discussion and to see whether arising out of the discussion we could really reach some common ground upon which we could make progress. As we have said this morning, the problem is of such vital importance not only to the Empire but to our Allies that I am sure all of us feel the imperative need of establishing at the earliest possible date some scheme which will adequately deal with it. Now, if I may deal with the report of the Non-Ferrous Metals Committee and that particular part of it which makes recommendations for the establishment of machinery for dealing with the commercial aspect of this question, this Report has only come to us very recently, and requires a very great amount of careful thought and consideration. I am only putting forward briefly the recommendations as they seem to appeal to me. What they suggest is that in each of the Self-governing Dominions and in the United Kingdom separate Ore and Metal Trading Companies should be set up, and these companies would be formed by those who are now interested in the trade; that there should also be similar companies formed possibly by France and by Belgium, or, alternatively, through the joint efforts of those two countries; and in addition to

\* See Memorandum printed on p. 279.



Sir ALBERT STANLEY—*cont.*

that that there should be set up an international company. This international company, I take it, would be a sort of holding company which would have an interest in each of the subsidiary companies. The particular object, as I understand, of the international company is that the combined financial resources of all these companies should be secured through this holding company with the object of having adequate financial resources for dealing with problems larger than those capable of being dealt with by these individual companies. In addition this international company would have power to establish similar undertakings in other countries and in foreign countries, so that in time you would have really an organization similar to that established by the great German Metallgesellschaft. There would be one great central organization with large financial resources, and in addition to that there would be connected with it in some form or other—I suppose by shareholding interests—smaller companies established in the different countries of the world.

Now, that at once raises the question, having thus established these monopolies, what form of control should the States have over them? Here I am not quite clear myself just how they propose to deal with it. They suggest the setting up of some Committees in the separate countries and one large controlling Committee in which the Governments would be represented which would have a direct voice in the operations of these undertakings. I do not know that it goes so far as to establish the power of veto, and certainly on the information we have before us it is difficult to go into any real details. The problem is so huge that one could not even begin at a meeting like this to lay before the Conference any really comprehensive or concrete scheme for consideration. But it would seem as though a scheme something similar to this could be very effectively established. It is quite clear that if you are going to exclude the operation of, shall we say, enemy interests in any of the minerals and metals of any of the Self-governing Dominions or of the United Kingdom, it is necessary that you should set up some organization which will be in substitution for that which already exists. Furthermore, if you are going to suggest that enemy interests, or even foreign interests, if you like, should be excluded from having any control over the mineral resources of any country or from having any control over the trading in any of the metals, there should be some organization which would be substituted, or capable of taking on the financial responsibilities in substitution, for the enemy control or foreign control. If, for instance, there is a large deposit of minerals and ores in any part of the Empire, and that may be to-day owned by friendly interests, and if foreign interests tried to secure control of that property you could not very well say to the existing interest: "You cannot dispose of that property," without giving them the opportunity of selling it to a friendly interest; and therefore it would seem to me to be vitally necessary that, if you are going to do the one thing, you must set up an organization which would be powerful enough in its financial resources to take on the undertaking itself.

That is very briefly what the Non-Ferrous Metals Committee are really recommending for the consideration of the Government. As I have said, the Ministry of Munitions have prepared a Memorandum which, so far as I can see, is in principle the same as that suggested by the Non-Ferrous Metals Committee. It may vary in some detail, but I think in substance it is practically what the Non-Ferrous Metals Committee recommended. Upon that perhaps Dr. Addison is more competent to speak than I am. I might say this at once, that what the Ministry of Munitions suggest covers the whole field. It does not deal with non-ferrous metals only but with ferrous metals as well. For the moment we are dealing with non-ferrous metals, but the principle is the same with regard to both, and what applies to the one really could apply to the other.

Dr. ADDISON: As Sir Albert Stanley has said, the Memoranda are put forward for discussion and it is exceedingly desirable that advantage should be taken of this meeting to have this matter threshed out and to ascertain one another's views in order to see if it is possible to arrive provisionally at some measure of common understanding. As you will see, the report of the Non-Ferrous Metals Committee and the Memorandum from the Ministry of Munitions are, as Sir Albert Stanley has said, very

Dr. ADDISON—*cont.*

largely on parallel lines, but there is one very important difference to which I will refer in a moment. Sir Albert says quite clearly that the first thing to do is to establish some machinery for control, and there are definite proposals, common to both Memoranda as well as to the document prepared by the Board of Trade headed "Memorandum on the Control of the Exports of certain Commodities after the War," prohibiting the transfer of holdings in minerals without licence to foreign interests, with a view, that is to say, of preventing the sale of minerals owned by British companies, either in the United Kingdom or in the Dominions, to alien interests or even foreign interests. I think that is absolutely of the first importance and that no delay ought to be incurred, because we know that very vigorous efforts are being made at this time to acquire most important minerals which are held by British or Colonial companies. We have suffered too much in the War by the control of these minerals by the Germans to want to go on allowing some measure of control to pass out of our hands even now. Therefore, I think it is essential that there should be a system of licensing established which will exercise a reasonable measure of supervision over the transfer of mineral rights to non-British, at all events to foreign, interests, that is within the Empire itself, and so far as possible—I know it is more difficult—in connection with minerals which may be held by British companies in neutral territories. Then having, so to say, secured a reasonable measure of control in our own hands of the mineral resources of the Empire, the question arises, how are you going to use them? In order to make use of them, of course, we must know in the first place whether they are worth using, and that is, we think, the first step which is practically common to the two Memoranda, *i.e.*, that prepared by the Non-Ferrous Metals Committee, and that by the Ministry of Munitions; in the one case it is called a Committee and in our case we call it a Commission, but anyhow the idea is that we should determine whether these minerals are worth working and how they can be developed on commercial lines; that is to say, a State organization should be provided to give reliable information on these points. That meets Sir Joseph Ward's point to a considerable extent. You will have this organization which will give valuable proper tested information not only as to what a mineral is worth but how it can be worked. There are questions of refining metals and such sort of things which would arise. It would give information which would be of use to a commercial organization. I think that organization would use, for instance, the machinery of the Imperial Institute, or whatever might be set up under the Resolution which has already been passed as far as that is necessary. I should hope myself that these organizations will be the ones that will do the work, and that they will be added to in order to be competent to give advice where they will be commercially useful. Then, having decided whether a thing is worth developing and how it can be developed, the next suggestion which is common to the two documents is that a British Metal Corporation as we call it, which is called a company in the case of the Non-Ferrous Metals Committee, should be established with branches in the Dominions, and so on, to form a sort of parent company. There is one very important difference between the Non-Ferrous Metals Committee's recommendations and those of the Ministry of Munitions; and here I should like to say that for many weeks and months past we have had our experts working on this question, and the recommendations we make are deliberately made as being the opinion of the Ministry formed after very prolonged consideration and inquiry and with the advantage of the many experts who are there. Our view is, quite frankly and openly, that private enterprise has failed as a system. There is an essential difference between our recommendation and the recommendation in the Memorandum of the Non-Ferrous Metals Committee. The latter contemplates the formation of a large private company, whereas the suggestion of the Ministry of Munitions is that we should work through private companies, but that your organization in the first place must be begun and, in a measure, assisted and controlled by the State. You will notice that the Corporation which we propose, which is equivalent to the Company under the Non-Ferrous Committee's proposal, is, in the first place, an organization set up by the State in



Dr. ADDISON—*cont.*

which the State would hold debentures, or whatever may be the form of the share arrangement. We believe that private enterprise alone will not do all that is necessary unless you have some State organization to set it going. Take the case of copper for which this country has paid scores of millions—that is not an exaggeration; we have paid I would not like to say how much more, but I should think the chances are, without exaggeration, that we have paid 40 per cent. more than we ought to have paid; that percentage would be well within the limit. What applies to copper applies to many other minerals. Our capacity for refining copper in this country is practically negligible, so that when the South African Government was willing to co-operate in supplying copper from the Otavi Mine we had to send it to America to be smelted before we could use it; and what applies to copper applies to many other minerals. It certainly applies in a large measure to the refining of crude oil. The necessary refineries should be in the Empire if we are to make proper use of these deposits. I think that simply to leave it to private enterprise, with Guggenheimer as competitors in the market, would not give private enterprise a chance; you would not get it started. Therefore, we suggest you must in the first place in some of these essential things have a sort of State corporation which shall get the industry going. For instance, I would like to see it brought into action in connection with the iron ore deposits in Belle Isle, and we, in fact, are making efforts to do so in some measure. The British iron and steel trades as well as the Canadian should make a much more fuller use of these magnificent deposits than have been made up to the present time. I believe some time ago it was reported that there was an effort to buy them up by certain American interests. They are the richest iron ore deposits in the world, limitless almost, and it would be a crime if they were allowed to pass out of British hands if we can develop them. There has never been an organized attempt on a big and wide scale to develop them. I cannot see how you would get it started unless you had some powerful State machine to give it a start. Then, as set out in the Ministry of Munitions Memorandum, enterprises would be worked and developed by the different companies on the lines of control which would be laid down. Then child companies would be formed more or less imitating the scheme of operations of the famous Metallgesellschaft from which we have suffered so much, to develop the resources or to set up refineries, and what not, as the case may be, in the different countries. I do not need to enlarge upon that, Mr. Long, but we could multiply instances which are quite sufficient to satisfy us that unless you have some State organization with great driving power, private enterprise will fail in organizing and developing these mineral resources in the best interests of the Empire. That is the essential and the only real difference between the two proposals before us. We both agree as to the first or initial inquiry—what is called by the Non-Ferrous Metals Committee a Committee and by ourselves a Commission. They are practically parallel. The next proposal is as to your parent company. The Non-Ferrous Metals Committee suggest a private organization; we say a State organization in the first place or otherwise you will not get it going at all, and the State organization would encourage and develop and assist the private companies to make the best use of these minerals. The two proposals are practically on the same lines except with that very important difference in regard to that second essential.

Mr. HAZEN: When I made my remarks some time ago I had not seen the Ministry of Munitions' Memorandum. I am very glad to see that that Memorandum takes the same view as I did, namely, that it is a matter for State control entirely. In this Memorandum you say it is intended that the respective Governments should be sole shareholders in the British Metal Corporation. That is my view entirely with regard to such an organization.

Dr. ADDISON: That is so.

Mr. HAZEN: Perhaps I might say that the recommendation of the Non-Ferrous Metals Committee reads in this way: "An Imperial Ore and Metal Company. This Company to be formed by voluntary association amongst British Producing,

Mr. HAZEN—*cont.*

Merchanting, Financing and Transporting Companies and Firms, and of the Dominion Companies engaged in the non-ferrous metal trade." According to the proposals in Dr. Addison's Memorandum it is intended that the respective Governments should be the sole shareholders in the corporation, bringing the whole thing under Government control and eliminating the opportunity of private profit.

Dr. ADDISON: Private profit comes in. We wish to encourage private enterprise by the assistance which the parent organization would give. It would be a State organization in our case, and in the other case a voluntary organization. We would work through private limited companies much in the same way, or practically in the same way, as the Metallgesellschaft. They would work on parallel lines.

Sir ALBERT STANLEY: It seems to me there is a very fundamental difference between you and Mr. Hazen, if I understand it correctly. I did not know that Dr. Addison, even to the extent that he advocates State ownership—

Dr. ADDISON: Not State ownership.

Sir ALBERT STANLEY: I did not know he went so far as to say that ownership extends to complete control of either mineral deposits or their manufacture. All he suggests is that there should be a State organization set up, which would, if necessary, secure the credit of the State with respect to any investment which was not taken up by private enterprise, but always, in the first place, the whole of the investments should lie with private enterprise and not with the State. That is how I understand his Memorandum, but that is, I think, rather different to what Mr. Hazen suggested.

Mr. HAZEN: I think there is not very much difference. I understand Dr. Addison to say there will be this corporation of stockholders, in which will be the Government of Great Britain and the Governments of the Dominions, and from that will radiate all the management. They will buy from other companies; but the question of private gain by those who are at the head of the organization is entirely eliminated.

Sir ALBERT STANLEY: I do not understand Dr. Addison's Memorandum if that is so.

Dr. ADDISON: The organization of the State Corporation would have no private gain; its members would be paid their salaries and there would be an end of it so far as they are concerned, but in the case of the companies whose operations the State Corporation will encourage and call into being, and so on, private enterprise will have its full scope.

CHAIRMAN: It is a case of State control and co-ordination.

Dr. ADDISON: That is what it comes to—State direction. It is not proposed under our scheme that the State itself should own the minerals, but it will encourage other people to use and develop them, and, in connection with the various companies, say by being debenture holders, to a certain extent to provide a sufficient measure of credit to get the things started.

Mr. HAZEN: But that is an extremely different proposal from the proposal of a company composed of private stockholders.

Dr. ADDISON: Quite different.

Sir ROBERT BORDEN: But there is the same fundamental idea in each, namely, that profits from the corporations, however great they may be, should go to private interests and that the State should not participate in them.

Dr. ADDISON: No, we do not go quite so far as that.

Sir ROBERT BORDEN: Then I do not know that I have fully grasped the position. I venture to suggest that this proposal is very comprehensive in its scope both as to management and as to the new departure which is involved.



Sir ROBERT BORDEN—*cont.*

It is suggested that a monopoly shall be established—at least, so I understand it, because that word was used—that there shall be a monopoly established in dealing with these metals. I am not clear about it, and I am only speaking for the purpose of making the matter absolutely clear to myself. I do not admit that it is desirable to establish a monopoly, even with some measure of State control, which would result in the appropriation to private interests of great profits necessarily or probably derived from such monopoly. I do not think that public opinion in the Dominion which I represent would countenance that for one moment. I admit the difficulties connected with the subject. It is perfectly plain that the State, whether in the United Kingdom or in the Dominions, might take into its own hands all mineral resources, and might, through a Commission or a company in which the State would be the sole shareholder, undertake their development for the benefit of the State by the best means available. I understand that perfectly. In that case there would be a monopoly. It would be a monopoly established for the benefit of the people as a whole, and it would be a monopoly established in the national interest. It would be certainly a very wide departure from anything we have had in our country or in most of the Dominions, but it is a proposal which we should have to consider very carefully in the light of recent experience.

Then there is the other proposal, as far as I understand it, that there should be a monopoly established, or something approaching a monopoly, under an organization which would retain for private interests all profits derived, but which would safeguard the operations of such a company so that metals produced should not come into the possession of enemy interests but should be retained within the limits of the Empire for special national purposes. If I rightly understood the two proposals I say that it is not feasible or right to accept either without giving the people of the country as represented by the State a distinct advantage out of operations carried on by the assistance of the State? Again I repeat that any such proposal could not command the support of public opinion in Canada.

Mr. CHAMBERLAIN: I understood it was common to both schemes, not that they gave a monopoly but that they imposed restrictions on the development or ownership of the resources. Certainly Dr. Addison's scheme did not propose to give a monopoly to any private company.

Dr. ADDISON: That is so.

Mr. CHAMBERLAIN: Does Sir Albert Stanley contemplate giving anything in the nature of a monopoly?

Sir ALBERT STANLEY: I am only discussing the report of the Non-Ferrous Metals Committee. I am not prepared to make any recommendation at all upon that either personally or on behalf of the Board of Trade, but I must confess that it would appear to me that if effect was given to the recommendation of the Non-Ferrous Metals Committee's Memorandum, it would really result in establishing practically monopolies in these different countries—private monopolies under State control. They do propose a system of effective control over these practical monopolies. After all, what is the position which confronts us? First of all it has been demonstrated, I think, beyond all doubt, that these little separate undertakings, working on their own, fail; they cannot successfully cope with the situation, and the reason why they cannot successfully cope with the situation is that they have neither the adequate financial resources nor yet the necessary talent to compete with a complex organization which has been built up in other countries to compete with them, and not only to compete with them in foreign countries but to compete with them directly in our own countries. What organization is there which exists to-day anywhere in the Empire, either separately or collectively, that could begin to compete with the activities of any of the two or three great Trusts in America, or with the activities of the Metallgesellschaft in Germany, or, even going beyond that, with a combination of combinations which is taking place in Germany to-day? We have not got it. Therefore that is the problem with which you are faced. You have to secure in some

Sir ALBERT STANLEY—*cont.*

way or other this necessary combination of interests, whatever the trade may be, which can through its resources successfully compete with those who are in direct competition with you. That is the problem you have to face whether you wish it or not.

Sir ROBERT BORDEN: May I ask a question: To what extent and under what conditions is the power of the State behind this Metal Trust in Germany?

Sir ALBERT STANLEY: I could not tell you, Sir Robert, but this is true, of course, that the big trusts which they have established have been developed through a long period of time. They have had small beginnings. The Germans have seen the advantage of consolidating the interests of the different trades, and by cartels and in other ways they have really secured the amalgamation of these different interests. Now it goes beyond that; it is an amalgamation of several interests, not only in one particular manufacture but in others which require the products of that manufacture. So you are getting these combinations, one built upon another, which are growing powerfully strong. It is not only in Germany. The tendency is flowing towards the United States, it is flowing westward; it is in the neutral countries where the money is flowing and it is they who are using their vast resources to buy up these properties. Take as an illustration the point that Dr. Addison has mentioned about the ore deposits in Belle Isle. Clearly, certainly, the iron and steel manufacturers in this country require for their absolute preservation substantial deposits of iron ore. Each in itself is not nearly strong enough to take on the purchase of a deposit running into many millions of pounds. Collectively they should do it but there is no organization of any kind whatever which to-day could take on a problem of that kind. So here we sit and see those foreign interests coming along and buying up these deposits while we here have got the money and have got the credit and ability but we are lacking in the organization to do it. Unless the State itself steps in and buys these properties to-day there is no organization which can take it on. That is the position. As I say again, I do not know whether we quite differ from Dr. Addison. The question wants very careful working out before we come to understanding it definitely. I do not venture to go further this morning, I only raise the question in a very general way so that we may have the benefit of the experience and advice of all of you at this table.

Sir ROBERT BORDEN: I do not want to be understood as disputing the possible necessity of the State having to step in, but I do raise very distinctly the question as to the conditions upon which the State should step in. I repeat that it would not do for the State to accept such conditions as would create a virtual monopoly for private advantage. If the State should step in it must be under such conditions as shall give to the people as a whole a reasonable advantage out of the support which the State gives to the enterprise.

Sir ALBERT STANLEY: Quite.

Sir JOSEPH WARD: I draw a very great distinction between State ownership and State control. In New Zealand we have had a very wide experience of both State ownership and State control. I would like to see something introduced in connection with this matter with a view to retaining within the Empire the complete control of the whole of these metals and with a view to the prevention of people obtaining a forty per cent. additional price such as was referred to by Dr. Addison. That I consider an imposition which ought not to be borne, even in a time of trial, by the British Empire or the British Government. What we ought to aim at is power of the Government or Governments, because after all this power cannot be centred in the Home Government alone, to control these matters. Even with a minority representation on a Committee of this kind or a Commission, whichever it may be—

Dr. ADDISON: Each Dominion would have its own organization.

Sir JOSEPH WARD: I was going to say that each Dominion must retain the right in the Government to control the minerals within its domain and prevent them



Sir JOSEPH WARD—*cont.*

going to enemy countries and to ensure that exorbitant prices are not being charged for the requirements of the Empire itself. In our country we have been credited with State enterprise for the benefit of the people far in advance of any other country in the world, and I want to state my personal experience on the matter. I believe something similar might be applied to this proposal, with which I agree, to control the metals of the Empire for Empire needs while at the same time preventing (which might arise in any of the Oversea Dominions) strenuous opposition and the fear of what Sir Robert Borden has pointed out, namely, a great State monopoly enabling private individuals receiving, under one of the proposals, benefits to the detriment of other people who might, and ought to, have the opportunity of coming in under conditions on a similar basis to other private persons.

What we aimed at in our country was to prevent other interests from imposing upon the public by charging extortionate prices. We went for the ownership of coal mines—two of them. We did not attempt to own the whole of the coal mines. Our object was to reduce the price of coal to the consumer by reasonable State competition, not by any attempt to destroy private enterprise that had been responsible for the working of the local coal mines, but by enabling them to live under fair competition with the State coal mines.

What we did in that matter we did also in connection with State fire insurance. We came into the fire insurance with the purpose of preventing unduly high rates being imposed on the public for fire insurance, and it immediately brought about a reduction of thirty-three and one-third per cent. in the rates charged by the whole of the insurance companies, and the State brought about a saving for the insurers of the country of about two millions a year. But we never attempted in doing that to prevent those great institutions, which have been invaluable to the country, from going on to earn sufficient to pay dividends to their shareholders; we did not attempt to bring down the rates so as to make them non-payable rates for either the State fire insurance-branch or for those private organizations. What we did both with State coal and with State fire insurance was to provide a power in the State through the Government of the country to regulate the rates and prevent high rates being imposed either for coal or for fire insurance by the enterprises then engaged in both cases, and as a matter of fact both the private coal companies and the private fire insurance companies have done very well under those conditions.

We have applied that principle to other things: for example, we applied it to money, but we did not do it by attempting to put a restriction upon anybody else. We did it by going into the market and borrowing money—I forget how many millions, but a number of millions of money—and we lent the money out to farmers and workers—to the extent of over twenty millions sterling. We lent it to them at a rate which paid the State and which ensured the paying off of the principal and interest; and the ordinary money-lenders throughout the country, if they did not quite come down to our rate, endeavoured to hold on to the business which they had by coming down to a greatly reduced rate compared with what they were charging before. We have never tried to drive them out. What we have done by fixing our rate for lending purposes has only landed the State in a trifling loss on all the securities of about 1,000/. in twenty years, without interfering with private enterprise except as competitors, and without making it impossible for the others to live; that is to say, we have never as a matter of policy attempted to drive out great private enterprises which are very valuable to the people as a whole and our own State lending department has made large profits annually.

Regarding this proposal to ensure the keeping of the metals, particularly those metals which are required for war material purposes, within the Empire, and at the disposition of the people of the Empire and the Governments within the Empire, in my opinion as far as New Zealand is concerned we can most effectively do this without the creation of any special company. The Government can do it in New Zealand. I should think that in a fortnight after the meeting of Parliament we could control the whole of these metals in our country without interfering with the right of individuals to embark on the enterprise if they wanted to do it.

Sir JOSEPH WARD—*cont.*

We could certainly do it by a system of licensing. I do not know where the whole of the information has come from in the Board of Trade "Memorandum on the control of the export of certain commodities after the War," saying where the iron ore and other ores are available, but I see that New Zealand is left out of this Memorandum, and, as a matter of fact, I want for the information of this Conference to say that we can provide millions of tons of iron ore in New Zealand. It might be desirable to allow British capital to be invested in some of this iron ore business in New Zealand for the purpose of adding to the resources of the Home Government or any parts of the Empire. As a matter of fact in our country, whatever resolution may be passed at this Conference, we can undertake to prevent ore from New Zealand going anywhere outside the British Empire, and that is what I want to get at. I want to be sure that the public are not going to be exploited by the formation of any companies so as to take out of the pockets of the shareholders who are going into this business more than they ought to pay. I want to be sure that there is some organization established which is going to prevent the possibility of that taking place. I also would like to see some financial organization created, probably similar to what Germany has, through one of their great banking institutions, to assist people who are willing to embark upon the commercial enterprise of obtaining metals and making them available for sale and use within the British Empire.

I glanced through this Memorandum somewhat hurriedly, and one of the things I want to be quite sure about is the preservation of what I might call the local autonomy of the Oversea countries as to their individual right to do whatever they consider best, so long as the main object is kept in view and provided for, of preventing any enemy country getting any of our metals which might be used for war material against us, and to give the British Empire the benefit of those metals within the Empire, to control them by licence from the Government, to enable private individuals if they wish to embark (and I suppose in some of the Oversea countries a good many people have done so), on any enterprise of the kind, to do so on fair terms without trying to drive them out. I want at the same time to be quite sure that in any move we may make, even although we are all agreed as to the object we have in view, we do not establish huge monopolies through the power of the Government which are to give any individual in any part of the Empire a superior advantage to other less favoured people outside. The alternative, in my opinion, to Government control is Government ownership. Now, Government ownership of the whole of the metals of the Empire is a huge proposition. In our country it might suit us to take hold of these great deposits to which I have just referred, but I do not think we would go for exclusion of any other interests which would want to come in and work deposits within our country for similar commercial purposes within the Empire. We would go for regulating the price by competition in the ordinary way, not by fixing in an Act of Parliament a minimum and a maximum, but we would go for regulating it by the cost of working in the ordinary way and with the view to making the State enterprise a success from every point of view.

Mr. HAZEN: But if you allow export only with a licence to other parts of the Empire for Empire purposes in order to deal with these metals, how are you going to have competition?

Sir JOSEPH WARD: What I mean by licence within the Empire is this: so long as the State, in the interests of the Empire, controls the export, if one of the neutral countries or if one of the Allied countries wanted to trade with anyone in New Zealand or in any other part of the Empire, the idea I had in mind was that he should be only able to do so subject to a licence being issued by the Government. If the State itself owned a portion of the minerals it would see that the interests of the Empire as a whole were protected. We want to stop the possibility of any country that may become an enemy country in future getting the right to control properties in our country from which to produce these metals. That is what we



Sir JOSEPH WARD—*cont.*

want to stop; that was the real trouble prior to the commencement of this War. I believe within the Empire the State ought to own in different parts refineries. It is monstrous, in this age of the British Empire, that any ore should require to be bought from any part of the Empire and sent to another country to be refined and then have to be brought back to the place within the Empire where it is wanted to be used. I do not feel myself warranted to commit myself to the whole of what is in this Memorandum. It is a huge question, but upon the principle of the control of these metals that are necessary for the preservation of the Empire I am most heartily in accord with it. I believe in a certain amount of State control and, if necessity arises for the purpose of regulating prices and keeping these metals for use within the Empire, in a certain amount of State ownership.

CHAIRMAN: Sir L. Worthington-Evans is here from the Ministry of Munitions, and would be glad to say a word before we separate if the Conference will hear him.

Sir L. WORTHINGTON-EVANS: May I add a word or two to what Sir Albert Stanley has said? I think he put before us very picturesquely what our real difficulty is. We are up against, as individuals scattered all over the Empire, not brought together under any organization at all, so far as minerals are concerned, competition with two or three enormous corporations in the United States, and now one huge corporation in Germany. Then those two are linked together by business arrangements. Unless we do something to federate our individual capacities for mining, smelting, and refining, we are always going to be single units up against a huge combination. Now, to federate them in that way, it seems to me, we want some form of commercial control, and how is that to be got? Is it to be by a State monopoly or State purchase, or is it to be by State guidance through individuals working for individual profit? Those are the two broad distinctions. The plan that the Ministry of Munitions have put forward is that there should be something in addition to the Information Bureau which will collect some useful information—something which will practically act after the Bureau has given advice, and after its functions have been finished. We have suggested that there should be a corporation formed by the Government of the United Kingdom, with its centre in London, with the State as sole shareholder, and we have suggested that similar corporations should be formed in each Dominion, with the Dominion State as sole shareholder, so far as our suggestion goes, but, of course, each Dominion would do as it chose—either make such a corporation or not make such a corporation. For example, New Zealand probably might not need to make such a corporation at all, because it is more advanced in direct State trading than we are in this country. It is because we have not advanced in direct State trading in this country that we want to get the commercial part of the operation separated from the State Department and put under a commercial body. Therefore, we are suggesting that this commercial corporation should be formed, but with Government money in it, and not for the purpose of private profit. Those corporations, each in its own Dominion, and the British one, could, if the Government so chose, be entrusted with something more than the control of the getting of metals—because that is not the real control that has been exercised—but the control which has been exercised in America has been through the smelting and refining. The Government could if it chose arrange that whatever smelters were necessary, whatever refineries were necessary, or whatever extra development of mineral resources was necessary, could be entrusted to that corporation, and that corporation would set about it either directly (in which case the Government, being the sole shareholder, would be solely interested) or indirectly, and we are contemplating that it would be much more often indirectly than directly. By indirectly we mean by helping to finance the owner of a mineral property in terms which would make it worth his while and possible for him to develop it, and upon terms that he sold the produce to that corporation, so that the corporation should have the distribution as a selling organization; because, again, the Americans and the Germans have controlled the metals of the world, not by mining them, but partly by refining and smelting them, and also by selling them.

Sir ROBERT BORDEN: You say it might assist indirectly; that is to say it might provide the necessary financial assistance to enable new developments to be made. You will of course have to consider in that regard where you would find a market for the product. If there are existing companies which might extend their operations provided they had financial assistance, but not otherwise, is it proposed that they should receive assistance from such a corporation provided a market could be found for the increased output?

Sir L. WORTHINGTON-EVANS: My answer is, yes, certainly, it is contemplated that it should be done on business lines by this corporation, or the Dominion, in such a case making a proper bargain with that existing body. In return for the financial assistance that body should either get participation in the trade or a proper rate of interest, and so forth. It is intended to do it on commercial lines.

Sir ROBERT BORDEN: Then as to this corporation, with the State as its sole shareholder, is it contemplated that it should also acquire mineral properties of its own for the purpose of development?

Sir L. WORTHINGTON-EVANS: If it were absolutely essential, but probably not. In most cases it would be possible to get either existing corporations or the actual owners to do the work.

Mr. HAZEN: What is the suggestion as to the manner in which the price to be paid will be fixed?

Sir L. WORTHINGTON-EVANS: For the products or for the mines?

Mr. HAZEN: For the products.

Sir L. WORTHINGTON-EVANS: Each Dominion corporation, if I might just pick that up after a very short preface, would under the scheme we have suggested be entrusted by its Government with the handling of the surplus metals of that Dominion. The Dominion's own requirements would be satisfied first and then that Dominion corporation would have, it is hoped, a standing agreement with the British Metal Corporation—also having Government money in it—for the sale of the surplus for Empire purposes; and through that central corporation here each one of the other Dominion corporations would benefit in that surplus.

Mr. HAZEN: Supposing there was a copper mining company in Canada, and the people in the United States were offering the largest price which was available for the output of that mine and it was desirable that the output of that mine should be used for the purposes of the Empire, would you say they should meet the competition of the United States by paying the largest price that was possible, or what?

Sir L. WORTHINGTON-EVANS: I say, first, that copper mine being in Canada it is for the Canadian Government, either directly or through the Canadian Metal Corporation, to make its own arrangements with the owner of the mine.

Mr. HAZEN: Yes, but the price the Metal Corporation would agree to pay for the output of the mine would depend upon the price this company were willing to pay over here.

Sir L. WORTHINGTON-EVANS: I will be frank to meet that, because there may be a deliberate attempt on the part of German and American interests to bid too high a price in order to secure the output and to obtain a monopoly against us. I think in that case the Government of the country concerned ought to be able to say what is a reasonable and fair price apart from market manipulation which for the purpose of obtaining that output may be undertaken by America and Germany.

Mr. HAZEN: I suppose you would say it would after all come back to the decision of the Canadian authorities, because no copper would be exported except under licence, and they would have to consider the conditions before they granted the licence.

Sir L. WORTHINGTON-EVANS: Certainly.

Sir ROBERT BORDEN: A good many other considerations have to be taken into account. Is it proposed that the export business within the Empire of companies now in existence should be conducted altogether through the proposed corporation?



Sir L. WORTHINGTON-EVANS: I think you probably could not do that compulsorily. I think it would probably be worth their while to do it, because the alternative would be either dealing through the Empire selling organization in metals or dealing through an American selling organization, or a German selling organization. There would be a few others. There would be very little room for a small output of a small individual producer.

Sir ROBERT BORDEN: Are you speaking of the metal production itself or of the forms which the metal production may assume, such as steel rails, and so on?

Sir L. WORTHINGTON-EVANS: I am thinking merely of the metal itself—the refined product of the mine. That was the general scheme of control. It is not really quite true to say that it is intended to have a Government monopoly. It is not intended to have a Government monopoly in the sense of crowding out private enterprise altogether, because these corporations would act in the ordinary course through the private owner or the private mining corporation so far as the development of mines was concerned; but it is true to say that any excess profit that might come from a combination of the mining interests in the one strong body would accrue to the Governments of the countries concerned through their metal corporations, and to that extent it is a Government monopoly.

The suggestion that was made that New Zealand would control merely by licence, I think, omits to take into account the fact that control has been not merely by means of the mining property, but it has been by means of the refiner and smelter and by the combination of sales organizations which have formed the market price. It would be difficult to say that a licence alone would be sufficient, because, having given a licence to sell, that metal gets into the hands of a combination which may be an American or a German combination.

Sir JOSEPH WARD: But if you have the refinery in the Empire itself?

Sir L. WORTHINGTON-EVANS: There you have to go further, because you have to deal with the product of the refinery, but you would simply let the refiner sell the product where he would, and he might sell it to a combination formed against you.

Sir JOSEPH WARD: I do not think he ought to be allowed.

Sir L. WORTHINGTON-EVANS: No; that is where the selling organization becomes a necessary part of the business. I believe the Imperial Conference in 1909 referred to special delegates certain matters of naval importance which were of immediate importance. Might I suggest that this question might be referred to special delegates so that it might be dealt with quickly, as there is this combination of Americans plus Germans perhaps—because there are a great many of what are called German interests which are registered as American corporations and are corporations of the United States. It is very important that we should have some policy settled before the end of the War, and therefore I suggest that it might be considered by special delegates.

Mr. CHAMBERLAIN: Is it not desirable that His Majesty's Government should have a policy before they meet the other Governments?

Sir L. WORTHINGTON-EVANS: I was in hopes that His Majesty's Government would by that time have a policy.

Mr. CHAMBERLAIN: We have been discussing to-day not a policy of His Majesty's Government, but the respective recommendations of two departments, possibly with variations presented by a third.

General SMUTS: And we have not even the recommendation of one.

Mr. CHAMBERLAIN: No, the Board of Trade do not recommend, but they present something. I am speaking as representative of India and not as a member of His Majesty's Government, but I think His Majesty's Government ought to be able to formulate a Government policy to present to the Conference and ought not to come before us with half a dozen policies.

Sir EDWARD MORRIS: I should like to support the general principle in relation to the State control of these important Empire utilities which have been referred to. Dealing particularly with Belle Isle, which has been referred to this morning as an illustration by Dr. Addison, I know as a matter of fact that attempts have been made by foreigners to acquire all these iron deposits at Belle Isle. There are at present, it is computed, something like three or four billion tons in sight. Previous to the War, nearly all the output of those mines went to Canada for the purpose of the large industry at Sydney, belonging to the Nova Scotia Steel Company and the Dominion Iron and Steel Company. In addition to that, something like one million tons of ore went to Germany.

Sir ROBERT BORDEN: That was exported by one of these companies, was it not?

Sir EDWARD MORRIS: Yes; when the attempt was made by, I think, the United States, which Dr. Addison referred to, to try to secure these properties since the War broke out, we had to come to the conclusion that we would have to introduce legislation to prevent the deposits passing out of British control, and that is what we propose doing when the Session opens next month. The same is true in relation to water power. There are very large water powers on the West Coast, and a company is now being started with a capital of something like twenty million dollars, near very large limestone deposits with very large water power, for the purpose of manufacturing fertilisers, and I have no doubt that that will possibly go to America in the end, to American capitalists, if it is not controlled. I have a great deal of sympathy for what has been said by Dr. Addison this morning in relation to private enterprise having failed, and the necessity of having some State control. On the other hand the dangers pointed out by Sir Robert Borden and others have to be taken into consideration with regard to the prevention of monopoly; but I think in accordance with the suggestion of Mr. Chamberlain that some policy should be formulated by the Imperial Government as to how this matter is to be dealt with. The main thing is to control all these minerals within the Empire. It may be that it will be necessary to have an Imperial Developing Board by which funds will be found to at least develop all these present dormant mineral resources, if not entirely to control them.

CHAIRMAN: I think the object of both the Departments has been served. They were extremely anxious to ascertain the views of the representatives of the Dominions, and I have no doubt after this discussion they will be able to arrive at a conclusion. I do not know that we can usefully carry the matter any further.

#### Imperial Mineral Resources Bureau.

The Resolution, as originally proposed, has been amended, and I have passed a copy of it round, and therefore I think I need only read it:—

“That it is desirable to establish in London an Imperial Mineral Resources Bureau, upon which should be represented Great Britain, the Dominions, India, and other parts of the Empire.

“The Bureau should be charged with the duties of collection of information from the appropriate Departments of the Governments concerned and other sources regarding the mineral resources and the metal requirements of the Empire, and of advising from time to time what action, if any, may appear desirable to enable such resources to be developed and made available to meet the metal requirements of the Empire.

“That the Conference recommends that His Majesty's Government should, while having due regard to existing institutions, take immediate action for the purpose of establishing such a Bureau, and should as soon as possible submit a scheme for the consideration of the other Governments summoned to the Conference.”

[AGREED.]

Adjourned to to-morrow at 9 p.m.



## TWELFTH DAY.

Tuesday, 24th April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 9.0 P.M.

### PRESENT:

The Right Honourable WALTER H. LONG, M.P., Secretary of State for the Colonies (Chairman of the Conference).

#### Canada.

The Right Honourable Sir R. BORDEN, G.C.M.G., Prime Minister.  
The Honourable Sir G. H. PERLEY, K.C.M.G., Minister of Overseas Military Forces.  
The Honourable J. D. HAZEN, Minister of Marine and Fisheries and Minister of the Naval Service.

#### New Zealand.

The Right Honourable W. F. MASSEY, Prime Minister.  
The Right Honourable Sir JOSEPH WARD, Bart., K.C.M.G., Minister of Finance.

#### South Africa.

Lieutenant-General the Right Honourable J. C. SMUTS, Minister of Defence.

#### Newfoundland.

The Right Honourable Sir E. P. MORRIS, K.C.M.G., Prime Minister.

#### India.

The Right Honourable A. CHAMBERLAIN, Secretary of State for India.  
Sir J. S. MESTON, K.C.S.I., Lieutenant-Governor of the United Provinces.  
Colonel His Highness The MAHARAJA OF BIKANER, G.C.S.I., G.C.I.E., A.D.C.  
Sir S. B. SINHA, Member Designate of the Executive Council of the Governor of Bengal.

Mr. H. C. M. LAMBERT, C.B., Secretary to the Conference.

Mr. E. J. HARDING, Junior Assistant Secretary to the Conference.

### THERE WERE ALSO PRESENT:

Mr. A. D. STEEL-MAITLAND, M.P., Parliamentary Under Secretary of State for the Colonies.  
The Right Honourable Sir MAURICE DE BUNSEN, G.C.M.G., G.C.V.O., C.B., Acting Assistant Under Secretary of State for Foreign Affairs.  
Sir GRAHAM GREENE, K.C.B., Secretary of the Admiralty.  
Sir EDWARD TROUP, K.C.B., Permanent Under Secretary of State, Home Office.  
Brigadier-General B. E. W. CHILDS, C.M.G., Director of Personal Services, War Office.  
Major Sir E. F. WODEHOUSE, K.C.V.O., C.B., Assistant Commissioner, Metropolitan Police.  
Lieutenant-Colonel W. DALLY JONES, Assistant Secretary to the War Cabinet, and  
Private Secretaries.

24 April 1917.]

THE PACIFIC QUESTION.

[12th Day.

### The Pacific Question.

CHAIRMAN: The first subject to-night is the draft Resolution dealing with the Pacific question handed in by Sir Joseph Ward.

Mr. MASSEY: I was speaking to the Conference on this question on the last occasion. I have copies of some documents here which I have taken out giving what is practically the history of the first negotiations with regard to the proposal that the British Government should take over Samoa. I am quite ready to read them, but it may save the time of the Conference if we take them as read. From the point of view of the Pacific they are exceedingly interesting—I do not know that they are particularly interesting to the Members of the Conference, but I want to place them on record in case of their being required in the future. Have I your consent to that course?

CHAIRMAN: It is for the Conference to decide.

Sir ROBERT BORDEN: They can be referred to by Mr. Massey and put in amongst the documents printed for the use of the Conference, I suppose.

Mr. MASSEY: My suggestion is to put them in as part of my remarks by way of quotation.

Sir ROBERT BORDEN: I do not object to that.

CHAIRMAN: Is the Conference agreeable that Mr. Massey should refer to these Memoranda and then hand them in for circulation afterwards?

Mr. MASSEY: I hand them in to be printed.

CHAIRMAN: Yes.

[AGREED.]

*Handed in by Mr. Massey, 24th April, to be printed as part of the Proceedings.*

Despatches from:

THE TAIMUA AND FAIPULE OF SAMOA TO GOVERNOR SIR A. GORDON.

YOUR EXCELLENCY.

Fiji, April 3, 1877.

WE, the undersigned, the Chiefs Taimua and Faipule (Representatives) of the Government of Samoa, deeming it necessary for the future well-being and better establishment of Christianity, protection of life and property, and for securing the blessings of liberty and good government are anxious that some friendly foreign Power will kindly lend us its assistance.

It is true indeed that our Government and our group of islands are in a disturbed state, and treated with disrespect.

We beg and entreat that your Excellency requests the British Government to grant us such protection as may be in accordance with its will, and we venture humbly to hope that the British Government will be pleased to look favourably on our petition.

We address this petition to your Excellency, as you are near at hand, and we entreat that you will use your best endeavours to obtain a speedy answer from Great Britain.

In the meantime, take what steps may approve themselves to your Excellency, because we very much fear that, if something be not done at once to protect us, our islands may be plunged into the horrors of war, or be at the mercy of some bad and unprincipled persons who may visit our islands.

We pray also to God to still preserve your Excellency in His sacred keeping.

Given under our hands, and stamped with the Great Seal of our Government, at Mulinuu, in the island of Upolu, Samoa, on the 3rd day of April, in the year of our Lord 1877.

We are, &c.,

THE TAIMUA AND FAIPULE of the Government of Samoa.

Written by the desire of the Taimua and Faipule.

M. K. LE MAMEA,  
Secretary for the Government.

GOVERNOR SIR A. GORDON to the CHIEFS OF SAMOA.

CHIEFS OF SAMOA.

April 23rd, 1877.

I AM much pleased to see from this petition that you have confidence in the kind disposition of the Queen of England and Her Government and officers towards you.

You are quite right to feel this confidence, for, as the Commodore and Consul have already told you, the Queen and her Government have but one wish as regards Samoa, and that is, that its people should live quietly and prosperously under such a Government as they may themselves think sufficient to prevent civil war at home and secure respect from strangers.



12th Day.]

THE PACIFIC QUESTION.

[24 April 1917.]

You ask me to assist you in your efforts to maintain peace and good order, and establish a strong and lasting Government, and I desire earnestly to do so, but it is not quite clear to me what is the nature of the assistance you request.

Talk this over among yourselves, and then explain it to me.

Let this be made plain, and I will then give you an answer.

You have taken a long voyage to present this petition to me, and it is my wish and will be my endeavour to make your stay here pleasant to you.

GOVERNOR SIR A. GORDON to the EARL OF CARNARVON.

MY LORD,

Nasova, Fiji, April 24, 1877.

ON Thursday last, whilst at Suva, where I had gone to meet my wife and family on their return from New Zealand, where they have spent the hot season, I received a letter from Mr. Thurston, of which a copy is enclosed, informing me that news had arrived from Samoa of the intention of the Taimua and Faipule, the native Government of Samoa, to solicit the assumption of the government or protection of the Navigator Islands by Great Britain; that a petition to the Queen to this effect had been prepared; and that a deputation of the Taimua and Faipule were on their way to Fiji to solicit my support and assistance in the attainment of their request.

On the receipt of this somewhat surprising intelligence, I immediately left Suva for Levuka, which I reached late on Friday night.

On Saturday evening ten of the leading Chiefs of Samoa, accompanied by their Secretary, Interpreter, and attendants, arrived here on board the barque "Menschikoff," and yesterday they presented to me the petition or address of which I have the honour to inclose a translation.

The terms of this address are extremely vague, and I trust that my reply, of which I also have the honour to inclose a copy, and which, whilst expressive of interest and kindly feeling, repudiates all desire on the part of Great Britain to interfere in Samoan affairs will meet with your Lordship's approval.

The Chiefs intend to remain here about ten days, during which time I am desirous that they should see something of the Colony, and I propose sending them on a visit to the Vunivala at Ban and the Roko Tui Dreketi at Rewa. I have received them as guests of the Colony, and trust that your Lordship will sanction the expenditure requisite for their reception and entertainment.

I have, &amp;c.,

ARTHUR GORDON.

EXTRACT FROM DESPATCH FROM GOVERNOR SIR A. GORDON to the EARL OF CARNARVON.

MY LORD,

Nasova, Fiji, April 25th, 1877

I do not believe that there is at present any strong or general desire in Samoa for the annexation of that group to Great Britain, or even for the establishment of a Protectorate in the sense in which the term is usually understood. On the other hand, I conceive that there exists a very decided conviction in the minds of the Chiefs that the assistance, in some shape or other, of some external Power has become indispensable to them, and that the present vague request is probably only the forerunner of a more urgent demand for European control, and that if it were known that it would be accepted an offer of unconditional cession would be made, with the entire acquiescence of the Chiefs and people.

This is also, I gather from his conversation, the opinion of Commodore Hoskins.

How far such a result is to be desired is a matter for the consideration of Her Majesty's Government. There is, in my opinion, much force in many of the arguments which were urged against the annexation of Fiji, and which may be urged against the acquisition of additional Colonial possessions generally.

But the case is, in this instance, somewhat different from that of the founding of a new Colony. The annexation of Samoa would involve not the creation of a fresh dependency but only the extension of an existing one. The same establishment of officers that is now provided for this Colony alone would, with the addition of a resident, a few magistrates and a small police force, suffice for both Fiji and Samoa, whilst the revenue would be largely increased by the addition to the Colony of islands far more fertile, and commercially far more valuable, than those of this group.

I should, on the whole, therefore, be disposed to consider that, in the event of a *bona fide* and spontaneous offer of cession being made, it should be accepted.

Meanwhile, in answer to the present position, the Samoans should, I think, be plainly told that if they consider that the evils they anticipate can only be averted by a closer connection with Great Britain, Her Majesty's Government, though very reluctant to assume fresh responsibilities, will not refuse to examine the possibility of establishing such a connection or to discuss its conditions; but that Her Majesty's Government cannot consent to become entangled in the undefined obligations involved in the protectorate of a State over the Government of which Great Britain exercises no control, or to interfere with its internal affairs or external relations with other Powers.

This language would, I believe, result in an immediate offer of sovereignty, but if it did not do so, we should at least be clear of all responsibility for subsequent events, nor, if it were not made to England, would such an offer be made to any other Power.

If, on the other hand, the present offer be wholly slighted and the Government of Samoa are told that under no possible circumstances will Great Britain accept their allegiance or establish a protectorate, renewed appeals for protection will be made with increased impunity to Germany, and I doubt whether they will be made in vain. Those who now seek British rule will, if this is shown to be hopeless, unite in

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applications to another European Power, and whatever the present intentions or wishes of the German Imperial Government may be, I think it will find it difficult to resist such an appeal, strongly backed, as it will be then, by great mercantile houses in Germany itself, which at the present moment make no secret of their preference for conducting their commercial operations on British territory.

I have, &amp;c.,

ARTHUR GORDON.

THE EARL OF CARNARVON to GOVERNOR SIR A. GORDON.

Downing Street,

September 27th, 1877.

SIR,

THE telegram which I sent you on the 12th June, through the Governor of New South Wales, will have informed you that Her Majesty's Government are unprepared to assume a Protectorate of the Navigators' Islands, but that they considered it right to delay the formal expression of their opinion on the Petition that had been addressed to the Queen until they had received your despatches on the subject, which you had telegraphed were on their way to this country.

I have since received the despatches to which you referred, the numbers and dates of which are noted in the margin. The Secretary of State for Foreign Affairs has also received from the British Consul at Samoa the Petition addressed to the Queen by the Taimua and Faipule; and I enclose a copy of it for your information, and also copies of the despatches which Mr. Liardet has addressed to the Earl of Derby upon the subject, and of the replies which his Lordship has sent to those despatches.

Her Majesty's Government have read with interest your account of the visit to Fiji of the deputation of the Taimua and Faipule, sent to solicit your support and assistance in obtaining favourable consideration to the Petition they had addressed to the Queen; and they approve of your conduct in the matter, and of the reply which you returned to the address of the deputation; and they consider that you acted prudently in not committing this country to any responsibility in connection with a protectorate over the Navigators' Islands, which might hereafter prove embarrassing.

Her Majesty's Government are, as at present advised, strongly opposed to annexing or assuming the Protectorate of the Navigators' Islands in any shape or form whatever, and they are unable to entertain, at the present time, any proposals for the further extension of the Queen's sovereignty or protection over Islands in the South Sea.

The inclusion of the Navigators' Islands under the same Government with Fiji might not improbably tend to reduce greatly the cost of administering Fiji as well as the probability of disturbances; but it appears to Her Majesty's Government that the appointment of a Deputy Commissioner to reside at Samoa, under the Western Pacific Order in Council, will be sufficient indication to the Chiefs and people of a friendly interest in their welfare, and of the determination of this country to prevent British subjects from injuring them.

I have, &amp;c.,

CARNARVON.

Mr. MASSEY: Then starting from that point, I may say, allowing me to do that will make my remarks comparatively short. The documents to which I have referred give the history from 1877 of the attempt on the part of the Samoan Chiefs and people to be placed under the protection of Britain in preference to being taken over by Germany or even by the United States of America. However, the attempt failed. The proposal was negatived by the Imperial Government, and that refusal has led to all sorts of trouble. The negotiations which were then commenced went on for nearly a dozen years commencing, as I say, in 1877, and going on until 1889. At that time the United States of America had put in a claim, and Germany also had put in a claim, to have an interest in Samoa. The feeling was so strong that both nations sent warships down to the Islands. Three ships were sent in each case, and the British Government was also represented by a ship which I saw yesterday on the Tyne, and which, of course, is laid up now, the old "Calliope." Just then, when the whole of those ships were at Samoa, one of those tropical hurricanes came on with which people who reside in the tropics are well acquainted, and it became necessary for the ships to endeavour to get to sea, the harbour at Apia not being a good one but practically an open roadstead. As it turned out, the whole of the American and the whole of the German ships went ashore. I do not mean that the whole of them were destroyed, because I think in the case of each nation a ship was afterwards got off. The only ship that got out was the "Calliope," the representative of the British Government. However, although that was looked upon as providential, nothing was done, and the result was the division of Samoa as between the Germans and the Americans, the Germans getting the greater part of it and the Americans getting the smaller part, but with the best harbour. The Americans have a particularly good harbour there which I have no doubt they will not be inclined to part with. That was the beginning of trouble in Samoa. I have traced it up to



Mr. MASSEY—*cont.*

date and I simply leave it there, because it is not necessary for me again to tell members of the Conference what took place at the commencement of the War and the difficulty we experienced and which we are anxious to avoid in the future.

There are quite a number of other islands in the Pacific in which Britain is interested, and which I may say have been made particularly valuable by the opening of the Panama Canal. I want to endorse what Sir Joseph Ward said on that point. There is no question that these British Possessions in the Pacific, or the French Possessions, or whatever they may be, have become much more valuable during recent years than they were, say, up to two or three years ago. I have taken out from the official records the areas of some of these islands, and the present population and members of the Conference will be able to judge to a certain extent from that information as to their value. Commencing with Fiji—and I think the Fijian group is about the best of the groups—it has an area of 7,500 square miles and a population of 155,000, but that population includes 60,000 Indians who, I believe, as far as I am able to understand it, are doing particularly good work producing cane sugar. Sugar is produced in Fiji, and the raw sugar is sent down to New Zealand, where it is refined at Auckland. The imports of Fiji were, in 1914, 950,000*l.*, and the exports 1,400,000*l.* The exports are mostly the raw sugar, but in addition to producing sugar, quite a number of the settlers have gone in for cattle raising. The climate is too warm for sheep, and they do not attempt that, but they raise cattle, and fat stock is exported. Fiji, I may say, is one of the ports of call of the steamship service running between Vancouver and Auckland. Then next comes Papua, or New Guinea, with an area of 90,600 square miles, and a population of 380,000. Part of this was a German possession down to the War, and was occupied by the Australian troops on behalf of the British, and that is the position to-day. Then the Cook and other islands are under the control of New Zealand. There are a number of small islands which are under the control of New Zealand; I do not say that any of these are large, but some of them are valuable; for instance, Raratonga, and to a lesser extent some of the others. The population of the Cook and other islands is 12,500, and these were placed under the control of New Zealand about 1901 or 1902. It was looked upon as a rather doubtful experiment at that time, but it has turned out very well indeed; the natives are taking quite an active interest in the education of their children and in the cultivation of tropical products suitable to their soil, and, on the whole, things seem to be going very well. We keep a Resident there, and several Departmental Officers. Then there is the little kingdom of Tonga, a most interesting place, which is really a British Protectorate, not exactly a British Possession. They have their own King and Parliament, and matters seem to be going smoothly, or that is the impression on the part of the European residents. At Tonga there were a number of Germans prior to the War, but they are not there now, because by an arrangement entered into between the Government of Tonga and the British Government, New Zealand sent down and took away quite a number of German officers who were in charge of businesses in different parts of the Tongan Group. The general impression among the Europeans who are there is that eventually the Tongans will ask to be annexed by New Zealand in the same way as the Cook Islands have been annexed. The area of Tonga in square miles is 385, and the population is 22,527. Then come the New Hebrides, about which there has been trouble and friction for years past, on account of the fact that the New Hebrides are controlled jointly by Britain and France. I do not think I need labour this point, because Members have had an opportunity of having it discussed previously, but I may as well place it on record that it is right to bear its position in mind, because there may be a chance of having a satisfactory arrangement made after the War. Then there are the British Solomon Islands, with an area of 8,500 square miles and a population of 150,000, of which about 500 are Europeans. I picked up a book on the Pacific the other day, and I noticed that the Solomon Islands were referred to in that book as "Dreams of Fertility." I have not seen them myself, but the expression means a very great deal, and I have no doubt they are very fertile islands and very valuable islands. Some of them were occupied by Germans prior to the War. I will return to that later, but the Solomon Islands, which were

Mr. MASSEY—*cont.*

formerly occupied by Germany, are now in possession of the Japanese, who, as far as I know, intend to hold them. Then there are the Gilbert and Ellice Islands. In the Gilbert Group there are one or two islands where there are very valuable deposits of phosphates. Those are south of the Equator. One was in the possession of Germany, and it was taken over by the British, and is no doubt occupied by some British citizens. The other one is Ocean Island, which was British. These islands, I am very strongly of opinion, will be very urgently required by the Australians and New Zealanders in years to come. I am thinking of the enormous export that is going on in frozen meat and dairy produce, for raising which certain constituents are being gradually extracted from the soil, and they must in time to come be replaced, or the consequences will be very serious. The possibility of replacing them exists in these islands I have mentioned. New Caledonia has an area of 7,200 square miles, and the population is 50,500. That is French, and I do not need to enlarge upon it. Tahiti is also French. There is a town there which was shelled by the German cruisers before they were sunk—by either the "Scharnhorst" or the "Gneisenau" or both. That town is of considerable importance. The area of the island is 8,378 square miles and the population 81,100. Then we come to the Caroline, Solomon, Pellew, Marschall, and Marianne Islands. These were all German, and they are now, although I am referring to them under this heading, with those I mentioned previously, occupied by the Japanese, and they are all north of the line. Then there is Samoa, with an area of 1,050 square miles and a population of 35,000. The imports in 1910 were 173,000*l.*, and the exports 176,000*l.* American Samoa has an area of 56 square miles and a population of 7,250. Then there are a number of islands like Rapa and Easter Island. Easter Island is in the possession of Chili, and is, I think, the only island Chili possesses. Rapa is in the possession of the French. I do not know that it is of much importance, except that it has a very fine harbour and is really on the line of our steamers running from New Zealand through the Panama Canal. Then there is Pitcairn Island; I merely mention it because it is occupied by the descendants of the mutineers of the "Bounty"; they are not all there, but there are 140 residents on the island, which is a very small one, although very fertile according to all accounts, and there are plenty of fish in the vicinity. I do not think I need mention the other islands. There are scores of other islands in the Pacific, most of them occupied more or less, but all valuable from certain points of view, either from the tropical productions which may be raised there or because of their position.

I think, as I have said on one or two previous occasions, that in this matter and in many others we have to be guided by the lessons of the past, and we should endeavour to avoid repeating the mistakes which we have made in past years, and be very careful indeed that Germany does not re-establish herself in the Pacific. So far as it is possible for us to do so, I think we ought to prevent them, or any other Power, from taking the place which Germany occupied during the years from 1889 to the outbreak of the War.

I do not propose to occupy the time of the Conference further on this subject, but I just wish to put those points on record for the benefit of those who will take an interest in them, and in case they may be valuable in future years. I may say that I support Sir Joseph Ward's Resolution.

CHAIRMAN: Does any other member of the Conference desire to make any remarks upon this subject? If not, perhaps Sir Grahame Greene will be good enough to say on behalf of the Admiralty what he has to say.

Sir GRAHAM GREENE: I am afraid the Admiralty have not before them anything very specific in Sir Joseph Ward's Resolution on which to express an opinion at the present stage. After the last meeting, when Sir Joseph Ward made his remarks, I reported what was stated on that occasion to the Board, and the immediate action taken was to circulate a copy of Sir Joseph Ward's remarks to the various Departments, inviting them to make their observations upon certain parts of it which seemed immediately to concern Naval interests. The particular parts are those which refer (I think it was the last two or three pages of the printed report) to the



Sir GRAHAM GREENE—*cont.*

possibility of establishing in the Dominions various works for the manufacture and production of Naval and Military Stores, including, of course, the construction of ships, guns, and other warlike requirements. At the present time the Dominions bordering on the Pacific depend very largely upon the United Kingdom for the construction and for the supply of the various Naval arms which are considered necessary for their own purposes; and I am not aware that at any of the preceding Conferences any discussion has taken place as to the degree to which the Dominions themselves should be self-supporting, and to that extent relieve the United Kingdom of the necessity of meeting their special requirements. The Conferences in the past have mainly devoted themselves to considerations of the actual strength of the Naval forces to be maintained in the Pacific, and the manner in which these forces should be maintained, whether supplied by the Dominions themselves or by the Admiralty at home, partly at the cost of the Dominion Governments.

I apprehend that if effect is to be given to Sir Joseph Ward's views, it will be necessary to consider much more in detail the idea which is current in the Resolution, and the Admiralty would welcome from Sir Joseph anything which would lead to the consideration and discussion of the matters which no doubt he had in his mind. Mr. Long, I shall be glad to ask Sir Joseph Ward whether he intends to supplement his Paper by putting forward anything specific of the nature which I have suggested.

Sir JOSEPH WARD: I would prefer to deal with it in my reply.

Sir GRAHAM GREENE: Then I think there is very little for me to say on behalf of the Admiralty except to state that the Admiralty will, of course, do all in their power to co-operate with the Dominions in the consideration of the measures which are considered best for the British interests in the Pacific, and they will also afford any advice and assistance which the officers of the Admiralty are in a position to give. That advice and assistance, I take it, will be combined with the advice and assistance which the Army Council or the Ministry of Munitions will give, because the Admiralty would only deal with one part of the whole subject, to which Sir Joseph attaches very great importance, and it would be very desirable that both the Admiralty and the War Office should in the future, as they have done in the past, consider these subjects conjointly. I think, therefore, unless the Conference wish to ask for any more information than I have given, I should prefer to leave it there, and to repeat that the Admiralty are very willing to give all the assistance they can.

Sir JOSEPH WARD: I would like to say, Mr. Long, that I fully appreciate the intention of the Admiralty to do in the future, as they have unquestionably done in the past, everything in their power to further in that great branch of the public service what they feel to be necessary for the general sea protection of the Empire in the Pacific or elsewhere; but I call attention to what I regard as the position at the present moment. We have not arrived, if I may say so in answer to Sir Graham Greene, at a time when it is possible to tell the Admiralty what may be required under the suggestions contained in the Resolution which I have submitted to this Conference; and I want to point out why, that is so. There can be very little doubt in my opinion that during the last thirty years a danger to British interests by the giving up of territory to foreign countries has been created. I can speak for that period because I happen to have been a member of Parliament for thirty years and came into the New Zealand Government twenty-seven years ago when matters vital to the Empire were considered by our Government in connection with the Home Government's action (for which the Admiralty was in no way responsible) that created what we regarded at that time as a serious danger in the Pacific. Concerning that danger—the giving to Germany of German Samoa—while I was in the position of Colonial Secretary I put officially on record a strong memorandum against what was being done. I am not reflecting upon any of the men who were in power here at that time. I am criticising what is the actual fact and what is recognised to be so by men who have carefully studied his matter in connection with the danger which was then created, particularly as the Empire was growing in the Pacific at that time. That danger was the cession of Samoa to Germany in exchange for a portion of territory in another part of

Sir JOSEPH WARD—*cont.*

the world which the Powers then no doubt believed to be an equitable exchange but which, in the opinion of most men who have had the advantage of the time that has intervened, on looking back at the transaction is regarded as a very regrettable, undesirable, and dangerous exchange from the point of view of the protection and future solidarity of the British Empire. I make the remark now that I at that time put on record my strong dissent to the course which was being adopted. I was not waiting for the supervening years to ascertain what the effect of the cession was going to be as far as this Empire was concerned. I saw, as doubtless many others did, the grave danger that would present itself in the future, and it has unfortunately been too well proved. I am referring particularly to German Samoa. I repeat that I do not think the Admiralty is in any way responsible for what happened as, of course, it was a matter of Government policy. I recognise that all through the naval policy in connection with the development of the interests of the British territories which they had to protect or serve or to be in evidence of with ships of the Navy has been limited always by the financial assistance they receive from the Treasury of this country. But the undeniable fact remains—that is incontrovertible—that for the last thirty years what is destined to be the greater ocean theatre of the British Empire, that is the Pacific, with British territories bordering upon it in different parts and with the enormous populations facing it from different territories, has been neglected more than any other portion of the British Empire. There never has been, directly or indirectly, anything approaching a policy from the point of view of the interests of the Empire laid down by any Government, so far as my knowledge goes, that would in any way ensure the protection or attachment to the Empire of territories that in the future are going to be vital from the point of view of helping the future of the Empire as a whole, and from the point of view of the pacific work required from the Admiralty in the future. The points which they will require as bases, for the purpose of enabling them to carry on the work which will devolve upon them in the future, have not been settled up to now, and we have never been in the position, as far as the Pacific is concerned until German Samoa was taken by the New Zealand troops under the authority of the British Government, since the mistaken policy that permitted the cession of Samoa to Germany—never until this war with Germany had arisen—to get back to that point from which, in my opinion, we ought never to have departed. That is also the opinion of a great many other men who are as well able or much better qualified than I am to express an opinion upon it. We ought never to have allowed a point of such strategic value in the Pacific to go to any country opposed to us, even in peace times, as was the case in this particular instance.

Now I want here to say that it is only natural that the Admiralty should ask what is intended to be conveyed in the Resolution which I have submitted to this Conference. Here I think I am entitled to say that it is only natural I should call attention to the position in which we are at the moment and why in my opinion it is desirable that a Resolution of this kind should go on record. We have already at this Conference passed a Resolution with a view to the guidance of the responsible men in all the Oversea Dominions, and the British Government too, by ascertaining what the views of the Admiralty are, which are to be furnished as soon after the War is completed as is possible, upon the all-important question of Naval Defence for the whole Empire. Until the British Government and the Governments of the Overseas Countries are in possession of the recommendations of the Admiralty upon this very important question of the policy that they recommend and of the system they recommend for the Naval protection of the Empire, we cannot move from a practical standpoint very much further than in affirming by Resolution what we think should be the duty of those countries that are already not in the position of producing Naval and Military material, munitions and stores, until we know what the policy of the Empire for Naval Defence is going to be. We cannot be in a position of knowing what is required to be done until we possess the views of the Admiralty and the final decision of the British Government and the Oversea Governments as to what that Naval policy is to be.



Sir ROBERT BORDEN: What is the Resolution, Sir Joseph? I thought you had given up the idea of a Resolution.

Sir JOSEPH WARD: No. It was held over temporarily in the first instance.

CHAIRMAN: It is in the list.

Sir JOSEPH WARD: It was printed and circulated; but perhaps I had better read it: "That this Conference, in view of the experience of the present War, calls attention to the necessity of developing the capacity of production of naval and military material, munitions and supplies in the Dominions possessing seaboard on the Pacific and Indian Oceans, and affirms the importance of close co-operation between them and the United Kingdom with this object in view."

In the first place, let me say what this War has created in Canada. Canada is doing what I am suggesting in the Resolution might be done by the other portions of the Empire, both upon the Pacific and the Indian Oceans; and, in my opinion, as the outcome of this Conference their attention should by resolution be directed to the necessity of their doing likewise. For instance, in practical working, I will give an actual and typical case of what has occurred under the system which has been in operation up to now, and this will be well within the knowledge of Sir Graham Greene. When we know what the future policy is to be, whether it is to be an Empire Navy or a Sectional Navy, or whatever is finally decided upon, there is no sane man who will say that what the necessities of the present system require the Admiralty to do would be tolerated, or at any rate continued, when we make up our minds that the interests of the Pacific are worth looking after emphatically from the point of view of Naval protection in the years to come. Naturally, if there is a Pacific Squadron owned by the Empire, or owned by sections of the Empire, there will be an effort made in all the countries to have that Pacific squadron manned by men belonging to the Dominions or the Oversea Possessions of the Empire which are immediately under the protection of the Pacific Squadron. Under the existing system, for a typical case, periodically not only the whole of the men upon a British ship when they had been out in the seas of Australia and New Zealand had to be sent home after a period on the Station there, but British crews were sent out there to take the place of the men on board those ships in those distant Pacific parts. Periodically also the ships themselves came home, and in their turn were replaced by other ships so as to ensure that efficiency which the Admiralty has always tried to maintain with the machinery at its disposal and with the finance at its control. In my opinion, with a great business concern, as the management of the Empire Navies will be in connection with the future protection of the Pacific and elsewhere; that interchange of men and that exchange of ships from distant parts should not be tolerated, and I for one do not believe for a moment that in the future the Admiralty will ever be called up to do what is implied in the very correct observations made by Sir Graham Greene on their behalf to-night at this Conference Table. I do not believe that the British authorities will require to dip their hands into the British purse for the purpose of doing what will be required for the growth of the Empire, either in the Pacific or any other part of the Empire beyond what is the Motherland's fair share in order to establish and maintain a system that is going to be of a permanent nature in the years to come. Sir Graham Greene, on behalf of the Admiralty, said that he was not aware that at preceding Conferences the Dominions proposed to be self-supporting. Well, as a matter of fact, apart altogether from the extraordinary lessons that we are receiving as the outcome of this war, it is obvious to me, at all events, that the growth of these young nations changing out of their swaddling clothes into those of manhood are not going to be content with what was a necessity during the last 30 years, of having to rely upon the British taxpayer to give proportionately a greater contribution towards the upkeep of the Navies than the Dominions. We have never gone in for building Navies, except, to a limited extent, in Australia. With the development that is going on and the lessons we are receiving from this War, it is quite apparent to me that when we know what is the best policy from a Naval standpoint for the Empire as a whole the residents in our countries are self-spirited enough to recognise that what was an absolute necessity in their younger days, namely, that the greater part of the burden should be thrown upon their kith and kin in the British Islands, will

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not be tolerated by them as a matter of procedure in the years that are to come. That element as to cost of the Dominions' share from the point of view of the Board of Admiralty therefore does not, in my opinion, arise in regard to the future for the purpose of considering whether the Resolution I have submitted to the Conference is one that ought to be passed or not. What I had in my mind in moving the Resolution regarding the Pacific was a step-by-step progress. As a public man living in a distant country belonging to the Empire, I am conscious of the vital necessity for a live wire to be introduced in the future as a link in the Naval cable connecting the Oversea Countries with the Motherland, and that in creating that live wire we people in the Oversea Dominions are prepared to do our full share of what is necessary from our standpoint equally with what the British people are prepared to do, although on a larger scale, from their standpoint. We are evolving from the old condition of things, when we were not able to do what I am talking of now, to a new world from the point of view of the future protection of the Pacific; and I want to say, Mr. Long, and to say it with great respect and with deep sincerity, that I do not believe that the average public man at the present moment whose business it is or whose business it is not, just as he may elect, to go into this question of the Pacific, has the remotest idea of the tremendous value of the potentialities from the point of view of the Empire that exist now in the individual parts of the Pacific, and which will develop in the future. If we do not move soon with a view to the future of the Pacific for the purpose of the Empire as a whole we will have written on the doors of the Empire the inscription "Too late," and in my opinion that will be not only regrettable, but it will be disastrous to those who follow us and to the Empire in years to come.

That brings me to a point which Mr. Massey has emphasised, and which I referred to in my remarks when first submitting the Resolution to the Conference. We have at the moment in the possession of the British Empire what was one of the greatest dangers for the future of the Empire in the Pacific that ever existed. We have it back, and are now holding German Samoa with the British flag flying over it. If by any unfortuitous circumstances at the end of this War there should be a reversion, and that danger-post which has existed there was to be put in again, in my opinion the soldiers from all over those territories, Australia, New Zealand, Fiji, and the Pacific Islands, would, it is not too strong to say, curse the British generation that allowed it to be done. It would be equally as bad from the point of view of Australia and New Zealand, and Fiji, which is a Crown Colony, but which in the future may become, as the aspirations are existing in India and in other parts of the Empire, a self-governing Dominion, to have a restoration of the position by which Germany held Samoa prior to this War. It would be as dangerous from the point of view of those great British Possessions that are under the very shadow of Samoa itself as if you were to hand the adjoining island of Ireland over to the Germans at the present moment, and allow the German flag to fly over it. Ireland under a foreign flag, and with an enemy country in possession of it, would not be more dangerous to the British Isles and to the British people who are going to reside in the British Isles in the years that are to come than Samoa would be to Australia, which is a huge territory, and to New Zealand, which is a territory equal in area to that of the British Isles with half of Wales left out. You could not have a more dangerous condition established for the future residents of the British Isles, if you were to allow Ireland to pass under a foreign flag into the hands of what has proved to be a vicious and unscrupulous enemy during this War, than you would have if you were to put Samoa back under the control of Germany now that it is in the possession of the British Government. So I want to emphasise that point, which Mr. Massey has rightly referred to, by saying that although it is distant from this country and does not come immediately under the eye of the authorities here, it is one of the greatest dangers from the point of view of the Pacific as far as Australia and New Zealand are concerned in the future that it is possible to imagine. Consequently I say in this Resolution that what the United Kingdom has been doing for years, and is doing now, and what Canada is doing now very largely owing to the War, and doing admirably in every possible way, we ought by Resolution at this Conference to impress upon not



Sir JOSEPH WARD—*cont.*

only the Home authorities, that is the British Government, but upon the people in the countries which are going to be most vitally affected. I say it is important in my opinion that their opinion should be directed to "the necessity of developing the capacity of the production of Naval and Military material, munitions, and supplies in the Dominions possessing seaboard on the Pacific and Indian Oceans." They have the very fine example of the Motherland and of Canada to justify that Resolution being agreed to by this Conference.

I may say, in answer to Sir Graham Greene, that I was more concerned in giving an outline of the great importance and of the hugeness of the area of the Pacific, which must always be of incalculable importance when considered in relation to the people of the countries bordering on the Pacific and the Indian Oceans, whose interests will be vitally affected by the absence of some action such as I have suggested, and more so by the absence of any recognised system of powerful Naval protection in the years that are to come. I want to make that as clear as I possibly can to the Conference and to Sir Graham Greene for the benefit of the Board of Admiralty. I am not suggesting at the moment that any huge expenditure should be incurred by the Admiralty. I am not suggesting for a moment that they should be called upon to outline now what should be done there. When the time arrives, and the Empire has decided on a definite naval policy, I am perfectly sure the Admiralty will, as they have always done in the past, effectively carry out that policy.

My intention in submitting the Resolution was to direct the attention of any one who takes an interest in this vital matter to the enormous interests involved and to the importance of not allowing anything in the shape of a policy of negation or a policy of inaction. The Pacific should be thought of in the future a great deal more by those who are responsible for the administration of the British Empire than it has been thought of in the past, particularly at the heart of the Empire. As I say, I am not blaming anybody for remissness; far be it from me to do anything of the kind, because I know the hugeness of our Empire; and the growth that has taken place during the last thirty five years has been in many respects phenomenal. It has been a time of great evolution in all countries of the world, there have been many more great changes within that period than in all human probability a man thirty-five years ago could have foreseen.

I hope I have made the position as clear as it may be necessary for me to make it. I am not going to take up the time of the Conference further upon the point. Mr. Massey has put on record the history of the Islands, which, in my opinion, is a very useful thing to do. I can recollect in my time in public life when it was very difficult to get men inside or outside the Parliament of the country even to think about the Islands of the Pacific. It was looked upon to a very large extent with indifference by practically every section of the community simply from a want of knowledge. It was looked upon as the happy hunting ground of a few speculative men who were anxious to utilise various parts of the Pacific for business purposes, to go there and take up territories entirely for the purpose of promoting some business interest. I am not suggesting for a moment that they were wrong in doing that; but we are now faced with a change-over of the system of warfare upon land and upon sea that is revolutionary to the fullest possible degree, and he would be more than a wise man—he would be a great prophet—who could indicate at the present moment what, as the result of the experience gained in this great War by the scientists in the Navy and in the Army, is going to be the system that is to exist in the future for the purpose of protecting the vast interests of the British Empire in all parts of the world and of the Allied countries, and, indeed, my remarks apply to every country that has or has not been engaged in this War. It is not too much to suppose that for a certainty you will have a huge development under water and in the air. That is the generally accepted belief of every practical man with whom I have conversed upon this matter since this War has arisen. If that be so, what could there be more potent for the advantage of an enemy country than to have right throughout the Pacific, points of vantage, where for purposes of under-water and in-the-air mechanical appliances they would have a series of bases to work from. With a view to provision for warfare it is certain to my mind that they would have their building operations, their repairing operations, their docking operations, their aerodromes, their

Sir JOSEPH WARD—*cont.*

submarine bases—they would have all those in a place that would be dangerous to Canada, dangerous to Australia, dangerous to South Africa, and dangerous to New Zealand; and the Motherland, and the Oversea countries in association with it, would require to have in every place as near as possible to those bases in the Pacific, that our enemies would utilise for the purpose of future wars, superior establishments in every possible way if we hoped to be able to compete with them in a time of stress, in a time of emergency, and in a time when supremacy by effectiveness in every possible way would be absolutely essential to our Empire.

I want to say that upon this question of the Pacific personally I do not believe I am one hour ahead of the time for the necessity of a course being suggested based upon the scientific and practical knowledge of the men who are responsible for the control and administration of our great Navy during this War. When we have their report upon the future Naval methods of the Empire in our possession, then I am of opinion that those countries which are bordering upon the Pacific and upon the Indian Oceans whose peoples will be dependent upon the future Naval policy of the Pacific and upon the wisdom of the men, when they have got that Naval policy in their possession, in deciding what bases are to be utilised for the purpose of submarine uses and aerial uses—I am of opinion that we are not starting one hour too soon in suggesting to the Motherland and to the Oversea Countries that we should commence to think about having our material requirements somewhere available by each of those countries for the purpose of carrying on and protecting the vast interests that are under our control.

I hope that the Resolution may be agreed to. Both Mr. Massey and, I may say, General Smuts have told me that they are favourable to it. I have asked Sir Robert Borden if he can see his way to support it, and I understand the view he entertains is that it would be quite agreeable if some words are struck out and "in all parts of the Empire" substituted.

Sir ROBERT BORDEN: If you would permit me, Sir Joseph, I will tell you what I think about it. As far as Naval defence is concerned the whole question seems to be covered by Resolution No. 4, which we have already passed and which asks that the Admiralty shall work out, immediately after the conclusion of the War, what they consider the most effective scheme of Naval defence for the Empire, that this scheme shall be submitted to the several Governments summoned to this Conference, with such recommendations as the Admiralty consider necessary for the Empire's future security. It is my view that bases, munitions, docks, and all such matters would necessarily be included in the proposed scheme to be worked out by the Admiralty and presented to the Dominions Governments. I am therefore not impressed with the importance of passing this Resolution, but I am prepared to accept it with certain amendments. No one realises more fully than I do the importance of the Pacific as a theatre of future activity and action. It is not the only theatre, but it is a very important one. Canada fronts on two Oceans, the Pacific on the one side and the Atlantic on the other, and is equally interested in each. We fully realise the possibility that in the years to come the Pacific may be the more important theatre of the two. I do not desire to assent to any Resolution which will commit the Government of Canada to developing a greater capacity in the manufacture of Naval and Military material than it possesses at present. The question as to what that capacity ought to be in any part of the Empire will depend to a very considerable extent on the terms of peace. We do not yet know what the measure of our victory may be or what the terms of peace may be. I am prepared, however, although I do not really think the Resolution is necessary in view of what has been already passed, to assent to it if it could be modified in some such way as this: "That this Conference, in view of the experience of the present War, calls attention to the importance of developing an adequate capacity for the production of Naval and Military material, munitions, and supplies in all important parts of the Empire where such facilities do not at present exist, and affirms the importance of close co-operation between each of the Dominions and the United Kingdom with this object in view." It seems to me that this would cover the purpose of the Resolution as defined by Mr. Massey and Sir Joseph Ward, and at the same time would not commit any portion of the Empire to develop a greater capacity than its Government would deem proper.



CHAIRMAN: Perhaps you would like to consider that amendment, Sir Joseph, and meanwhile, if nobody else wants to say anything, Sir Maurice de Bunsen is here from the Foreign Office, and before the Resolution is put I am quite sure the Conference would wish to hear him. I also want to tell the Conference that Admiral Sir Cecil Burney, who was present on the last occasion, and General Furse, Master-General of the Ordnance, both intended to be here, and both desire me to express to the Conference their great regret. Admiral Burney was not quite up to coming, and General Furse was called away at the last moment on military duty. Sir Maurice de Bunsen is here, and I think the Conference would like to hear what he has to say on behalf of the Foreign Office before we pass the Resolution.

Sir MAURICE DE BUNSEN: I shall not keep the Conference more than two or three minutes in just stating what I should like to say as to the Foreign Office policy which has been adopted so far as a definite policy has been adopted with regard to the Pacific during this War, and also with an eye to the future. I think it is quite possibly true that in the past the Foreign Office have been open to the reproach of not having a definite policy on all these points. Not many years ago that certainly was the case. Of late years I think it has been less true, and I think we have had in the Foreign Office a very definite policy with regard to certain portions of the world—certainly with regard to the European Powers, because the entente with France was a forward step in defining policy, and that has been the foundation of our policy since that was made. I think, certainly, Sir Joseph Ward's weighty and emphatic words will be borne in mind by the Foreign Office in future. It will be a base upon which to build, and I can assure him that what he and others have already said about it has been very seriously studied and considered already by people in the Foreign Office who are responsible for those remote but most important parts of the world.

With regard to the Pacific, this policy has been already adopted in view of our alliance with Japan. It was thought necessary to come to a kind of preliminary understanding with Japan, which has taken part in this War, and helped to conquer Kiao-Chao, and is our Ally, and is now rendering us important Naval assistance. Japan was informed that, at peace, we should raise no objection to her retaining possession of the German Islands she now holds, and any other German Island north of the Equator; but we intimated to her that her claim should not descend south of the Equator. This, of course, is an important act of policy which will be something to guide us when peace comes. I think it is very much felt that there must be considerable friction, and conflict even, between Japan and the United States with regard to Pacific questions. I think it is hoped that we shall be in very much the position of friend of both parties—we can say that even more to-day than we could before, owing to the recent action of the United States—and of holding the balance between their aspirations in the Pacific, and when the conflict appears imminent we hope to be able to step in and avert it by giving friendly advice to both sides. I think that is very much to be hoped of the future. In the meantime we have taken this step about the Islands north of the Equator, and also with regard to Kiao-Chao, that we shall not raise objections to the retention of that portion of China by Japan, if they wish to insist upon it in their dealings with China. In that respect we have already adopted an important line of policy with regard to the Pacific. As to how far the whole of the requirements laid down by Sir Joseph Ward are possible of execution, of course, it will be necessary to speak with some hesitation, because, as Sir Robert Borden has pointed out, we are not yet in a position to say exactly what will be the extent of our power of imposing our terms. We hope that the extent will be very considerable, and certainly we shall bear in mind all that has been said about Samoa, and the extreme importance of retaining the strategic points of communication between the Panama Canal and the British Dominions lying on the western side of the Pacific. Of course there is great apprehension in regard to the future, owing to Japanese ambitions, but it is hoped that they may be restrained by the lessons of this War.

Mr. MASSEY: The supposed Japanese ambitions.

Sir MAURICE DE BUNSEN: Yes, the supposed Japanese ambitions. Of course, we cannot absolutely define them and put all the dots on the "i's." We know that they have cast their eye on the Dutch Colonies very much. I do not wish to

Sir MAURICE DE BUNSEN—*cont.*

anticipate anything so disagreeable as that, but, at all events, we contemplate nothing but an amicable settlement with regard to the different aspirations in the Pacific, with a special eye to maintaining and developing the position of the British Empire there. I think that is all I have to say.

CHAIRMAN: Sir Joseph, are you prepared to accept Sir Robert Borden's amendment?

Sir JOSEPH WARD: I am prepared to alter the Resolution, for one reason, because I am an absolute believer in unanimity at this Conference Table. I do not believe in any Resolutions being passed where there is nothing like a strong opinion held by the representatives, or representative, of any other Dominion in their favour. I would have preferred the Resolution my way, because I wanted to associate it with the Pacific and Indian Oceans, and under the belief, perhaps a wrong belief, that the other portions of the Empire, the United Kingdom and Canada particularly, are already doing something in the nature of what is suggested the other parts ought also to do. But as Sir Robert Borden holds a different opinion—

Sir ROBERT BORDEN: It is just for the reason I mentioned. I realise, and entirely sympathise with, your idea, but I am not quite sure that any Resolution is required. I do not want to put myself in such a position as would indicate a policy on the part of Canada to embark upon a great programme of manufacturing munitions. I hope that may not be necessary, and I do not want to indicate that it will be necessary. If it should so prove, we are prepared to do it, but we hope it will not be necessary.

Sir JOSEPH WARD: Quite so. As Sir Robert Borden holds that view, and I respect it because he has given from his point of view good reasons for it, I propose to alter the Resolution, in order to comply with the suggestion made, by the inclusion of a few words to which I hope Sir Robert Borden, who has raised the issue, will see his way to agree. I propose to accept the suggested alterations to my Resolution and to make it read as follows: "That this Conference, in view of the experience of the present War, calls attention to the importance of developing an adequate capacity of production of Naval and Military materials, munitions, and supplies in all important parts of the Empire," and then I propose to insert these words, "including the countries bordering on the Pacific and Indian Oceans where such facilities do not presently exist." And then it goes on, "and affirms the importance of close co-operation between India, the Dominions and the United Kingdom with this object in view."

Sir ROBERT BORDEN: That is included already.

Sir JOSEPH WARD: The reason I have made this a separate Resolution as against the one I worded regarding the Navy, to which Sir Robert Borden has called attention, and suggested that it is not necessary to pass this Resolution, is that I have done it after full consideration and advisedly, because I want specifically to direct attention to the Pacific, and I want specifically to direct attention to it before the Admiralty has submitted a report, because I recognise that the Navy, which is apprised of everything which takes place at this Conference concerning the Admiralty and the Navy, with that expression of opinion by this Conference before them, may, at all events, consider from a special standpoint what the Conference decides upon certain aspects of the Pacific question which may not have come before the whole of the gentlemen concerned. I am much obliged to the Conference for their attention to my remarks.

CHAIRMAN: In putting the Resolution I can only say on behalf of the Colonial Office that we cordially agree with the views expressed to-night as to the vast importance of retaining those Islands in the Pacific which have been conquered and are now in our temporary occupation. We not only remember that the Oversea Dominions have acquired them, but we think it to be a matter of vital importance to the future of that portion of the British Empire, and, therefore, to the whole of the British Empire, to hold them, and that view is not confined, of course, to



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THE PACIFIC QUESTION.

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CHAIRMAN—*cont.*

the Colonial Office. May I put the Resolution as amended? I think I had better read it:

"That this Conference, in view of the experience of the present War, calls attention to the importance of developing an adequate capacity of production of Naval and Military material, munitions and supplies in all important parts of the Empire, including the countries bordering on the Pacific and Indian Oceans, where such facilities do not presently exist, and affirms the importance of close co-operation between India, the Dominions and the United Kingdom with this object in view."

[AGREED.]

#### Temptations of Oversea Soldiers in London.

CHAIRMAN: I am sorry to say the Home Secretary has been very ill, and, although I am glad to say he is much better than he was, he is not yet able to return to work and therefore the Home Office is represented by Sir Edward Troup and the War Office by General Child. Sir Edward Troup has also with him Sir Frederick Woodhouse, one of the Police Commissioners.

Mr. MASSEY: I was going to suggest that as this is a somewhat delicate subject there is no particular necessity for reporting it and that we should refrain from having the discussion printed.

CHAIRMAN: It is for the Conference to decide. I have not the smallest objection. Do you mean to have no record taken of it at all?

Mr. MASSEY: Yes.

Sir ROBERT BORDEN: I think a record might be taken, and then any particular portions of it could be eliminated from the report. Part of it should certainly be reported.

Mr. MASSEY: If we express any opinion it would be necessary to report that.

CHAIRMAN: Is it the wish of the Conference that a record be taken?

Sir ROBERT BORDEN: Yes, I think a record should be taken.

CHAIRMAN: Does anybody disagree with that view?

Mr. MASSEY: Let us know where we are. Does Sir Robert Borden mean a confidential record?

Sir ROBERT BORDEN: Yes.

CHAIRMAN: Yes. All the records are confidential, but it rests with the Conference to decide which parts shall be published, if any.

Sir ROBERT BORDEN: I say we ought to have a record of it. As you, Sir, observe, the reports are all confidential until the Conference authorises their publication, and as far as this matter is concerned a very brief summary might be published, as obviously some matters might be referred to which ought not to appear on the report.

Mr. MASSEY: I have brought the matter before the Conference at the request of several people who have interviewed me on the subject, and I may say those people include not only citizens but soldiers. I have letters in my possession, although I have not brought them with me to-night, from soldiers who have complained to me of the annoyance to which they were subjected by persons whom they spoke of as being youthful prostitutes who were in the habit of annoying them when they were walking in the streets of London and other places of public resort. One man went so far as to say that he had lived for a time at Bucharest, and he assumed that I knew the reputation of the city he mentioned, and he went on to say that in his experience the streets of London in war time were worse than anything he had seen at Bucharest. I mention that by way of illustration of the complaints that have been made.

Besides the complaints from the soldiers I have had women complaining to me, and I am thinking particularly of that class of woman who has done her level best ever since the war commenced to take the place of the mothers of our soldiers from Overseas. The subject is a particularly difficult one, and I am bound to say that I

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Mr. MASSEY—*cont.*

do not see daylight. I am not going to suggest that we should bring what are called the C.D. Acts into operation. We have discussed this on many occasions in the country to which Sir Joseph Ward and I belong, and I know some of the difficulties connected with it and the tremendous amount of opposition which is stirred up in certain quarters whenever the question is mentioned. I am not going to suggest that course should be taken, but we cannot shut our eyes to the terrible evil arising from this sort of thing, because we all know that many men (I am not going to say whether hundreds or thousands, but very large numbers of men) have gone back to the countries from which they have come very seriously affected with venereal disease in some one of its many different forms. That cannot be denied. There is not a country which has sent soldiers to fight on the different fronts but has experienced what I am talking about, of having these men suffering from the evil that exists. That it is impossible to put a stop to this sort of thing absolutely, I know, and as a man of the world I do not suggest it; but what I do feel is that the manner in which our streets—and I have seen them—are allowed to be crowded by the most objectionable types of women during certain hours of the evening is a disgrace to civilisation. I say it advisedly. I am using a strong term, but it was brought home to me very forcibly some weeks ago when I had occasion to walk up the Strand at about 9.0 o'clock in the evening, and I have no hesitation in saying that on that evening, whatever may be the case on other evenings, there were many hundreds of prostitutes looking out for soldiers, accosting them and endeavouring to interview them, endeavouring to ingratiate themselves with them, with the result which any of us who have had experience of the streets of large towns must expect.

Well, there is the trouble, and what is going on is causing very serious anxiety to the parents of many of our men Overseas. I, myself, have had letters asking whether something could not be done to remedy the existing state of affairs. I have had letters, when it became known that some of our men were getting leave to go to Paris, from parents pointing out the reputation that city bears and asking that instead of being allowed to go to Paris they should be allowed to get their leave in some of the English cities. I am afraid they do not know that at present, in the opinion of many people, the reputation of London is no better than that of Paris, and unless something is done I am afraid things will go from bad to worse. I have conversed on this subject with doctors and they point out to me the methods by which the difficulty can be escaped. I am not going to discuss them. The particular point to which I want to direct the attention of the Conference is that—and there is no getting away from it—there are many thousands of professional prostitutes in London to-day. I am only speaking approximately, because I cannot profess to have a definite opinion as to the number, but any one of us who walks about the streets at night or in the parks in the evening can see what is going on. Many of these women are affected with disease, and many of them with a very serious form of the disease—there is not the slightest doubt about that—and the disease is contracted by our men who have intercourse with those women. Then the Army suffers. That is bad enough in its way, but I have been informed by medical men that some forms of this disease are so serious that a man having once contracted it is not likely to be clear again as long as he lives, and there are the dangers to others.

That is the position, and I am simply complying with a request which has been made to me that before the Conference winds up its business I should express some opinion on what is to most of us in the present crisis a very important subject. I simply bring it up—I do not care to talk about these things if I can possibly avoid doing so—under a strong sense of duty, and I do hope the members of the Conference will join with me, because that is the only thing I can suggest, in requesting the War Office and the Local Government authorities, or whoever it may be, to have the streets cleared of the class of female to whom I have referred and so lessen the temptation to which our soldiers are subjected and from which they have suffered for a very long time past.

CHAIRMAN: Do you move any Resolution?



Mr. MASSEY: While Sir Joseph Ward was speaking just now I drafted a Resolution which does not quite fill the Bill, but it runs in this way: "That the attention of the Local Government authorities be called to the temptations to which our soldiers are subjected when on leave, and that such authorities be requested by the War Office to, as far as possible, protect our men by having the streets and other places of public resort kept clear of the prostitute class."

CHAIRMAN: In London the police are under the Imperial Government.

Mr. MASSEY: I was not aware of that.

CHAIRMAN: So that Resolution would hardly fit in.

Mr. MASSEY: It will not fit.

CHAIRMAN: In the City of London the police are under the Corporation, and in the Provinces they are under the County Standing Joint Committee of Quarter Sessions and County Councils, and in the boroughs the Watch Committees of the Corporations.

Sir ROBERT BORDEN: I think, if we pass any Resolution on this subject, it should be couched in very strong language. Mr. Massey has not, by any means, spoken too strongly on this subject, and having heard him on some other questions I really should not have been surprised if he had expressed himself much more strongly than he has done this evening. I do not think Canada will ever again send men overseas to any war unless we are assured that such conditions as have met our soldiers here will not meet them again. I say unhesitatingly that if I should be Prime Minister of Canada on the outbreak of another war I would not send one man overseas if the conditions were such as have prevailed during the progress of this War. I think it is a horrible outrage that they should be exposed as they have been, and no one sitting round this table can tell me what will be the effect of it upon the life of Canada in the next twenty-five or fifty years. I have heard from authoritative sources intimations of what its effect is likely to be in our country which are enough to make one shudder. I am absolutely astonished that no steps of any reasonable or adequate character have been taken here to prevent these women swarming around our camps all over this Kingdom—diseased women—for if the men go outside the camp they are immediately pounced upon, and, apparently, there is no law or regulation in this country to prevent such conditions. I have had to consider lately the regulations in this country with regard to the prevention of pleuro-pneumonia in British cattle, and I say that if a hundredth part of the care that has been exercised to prevent pleuro-pneumonia getting into British cattle had been taken to prevent our men from becoming infected with these awful diseases, the conditions would be very much better than they are. I think it is high time that the authorities in this country should wake up to the feeling of the people in the Overseas Dominions upon this subject. If effective steps are not taken very soon, shall speak about it publicly in a way that will not be forgotten.

CHAIRMAN: Does any other member of the Conference wish to make any remark before we hear the Home Office and the War Office on the subject?

Sir JOSEPH WARD: I wish to endorse the statements made by the two previous speakers. I have had the same experience. I have had representations made to me and I have had circumstances brought to my notice of the most appalling kind. There are men who have gone back to New Zealand who, their medical advisers have informed us, will be diseased practically for ever. Numbers of them are married men who have contracted these abominable diseases which are going to ruin many others besides themselves, and I distinctly believe that the remarks of Mr. Massey and Sir Robert Borden are justified in every possible way. There is no doubt that it would have a tremendously deadening effect on any efforts in the future to send fine young men across to this country, unless it were known that something of a very drastic nature was going to be done to ensure that a repetition of this state of things could not possibly take place. We cannot alter human nature, and no one suggests it. No one needs to be punctilious as to the relationships between men and women in the ordinary way in this country, or even in our own countries. I had a case brought to my notice the other day by a soldier, who told me that a particular woman had gone to him and told him that if he went with her it would prevent him

Sir JOSEPH WARD—*cont.*

from going back to the front, because he would be in such a condition that he could not go. If that is what is going on here, it is against the best interests of the Empire. I, for one, do not believe that the police are in any way responsible for the condition of things, but the fact of the matter is that there has been no absolutely drastic law in operation which would ensure the general attention of the community, throughout the centres wherever these evils may arise, from co-operating in every possible way with the officials to ensure that a better condition of things should be brought about. It is perfectly appalling! I hear of it every day of my life, as, I expect, every member of the Conference does. I have had scores of letters from relatives, parents, and people in New Zealand, and letters from people here, from sensible women here, calling my attention to it and declaring that they have tried in individual cases to prevent women who were known to be diseased from going out as they were doing, and they say it is utterly impossible to stop it except by some drastic law on the Statute Book of England.

CHAIRMAN: Do they indicate what that drastic law should be?

Sir JOSEPH WARD: No; that is one of the troubles. It is a very difficult matter.

Sir ROBERT BORDEN: One thing could be done, and that would be, to have these women sought out and examined and, where found infected, herded together—interned. We are in the midst of a War which may shatter this whole Empire, and surely a measure of that kind would not be too drastic whatever consequences it might produce. Is it better to do that, or to let disease be carried to every Dominion of the Empire, and the future of our race damaged beyond any comprehension or conception?

CHAIRMAN: I asked the question because Mr. Massey in moving his Resolution expressly dissociated himself from any suggestion as to reviving the C.D. Acts. It is only under the C.D. Acts that the policy indicated by Sir Robert Borden could be carried out.

Mr. MASSEY: Personally, I am prepared to go the length, but if your Parliament here is anything like our Parliament I know the difficulty that stands in the way, and it simply means that nothing will be done.

Sir JOSEPH WARD: I believe the chief reason was, because we could not agree that they should not apply to the male sex. Apply it to everybody, and have done with it.

Sir GEORGE PERLEY: I would like to add two or three words from the military side. Not only the future health of the race depends upon this largely, but also the military efficiency of our forces. We are being asked for men continuously, more men and more men, and one of the serious immediate results of this state of affairs is that we have a great many men who are incapacitated, and have to be sent, instead of fighting, to be taken care of in convalescent camps. If men are so greatly required for fighting in this War, as we all know they are, the people of this country should be very willing to do anything which will keep these men in first-class condition, so that they can go and fight.

Sir JOSEPH WARD: Not only are there men in some of the Oversea camps at the present moment who are fenced in by wire, but there are no degrees fixed as between the diseases from which they are suffering. One man has this trouble in the most advanced stage and almost incurable, and when an innocent young man comes along he is placed beside him. There are sons of the very best people from our country at the present time at one of those camps. It is not a British camp, it is under our own control; but the fact remains that they cannot tell the degree of virulence of the thing for a time, and they do not separate them.

Sir ROBERT BORDEN: There is another terrible side which was disclosed to me by a doctor on the ship on which I came over. He says that in the case of one of these diseases, not supposed to be the worst type, it can be communicated by a person who has apparently been absolutely cured of it. I was not aware of that before; but it seems that a person cured of the disease called gonorrhœa, who has



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apparently regained sound health can be the communicator of that disease for years after all trace of it, so far as he is concerned, has absolutely disappeared and he has apparently recovered.

Mr. HAZEN: I should like to ask Mr. Massey if, in regard to New Zealand, any preventive medical steps are taken. Do you understand what I mean? Are the soldiers given instructions as to the means to prevent it, and are they given medicine or treatment, so that if they have connection with a diseased woman they will not contract the disease?

Mr. MASSEY: No.

Mr. HAZEN: I am told that in some of the navies and armies of the world that is done; that it is an evil which will exist as long as human nature continues as human nature is at present; that it is impossible to tell every woman who may communicate this disease through contact with a man, and therefore the sane and sensible course is to protect the man against himself. I am told that in some of the navies before a man goes on shore it is his duty to go to a dispensary on board, and that he is there given something which he uses to prevent him from contracting the disease. Then the natural corollary of that is that if the man does contract a disease he is penalised for it, because it shows that he has been careless in contracting it. It seems to me in connection with this subject that that is something which it is worth while to consider. We recognise that this sort of thing will continue and nothing will prevent it continuing. Would it not be a wise thing in the Army and Navy to adopt some such system? Is not that practicable?

Mr. MASSEY: What you say is right, Mr. Hazen. I know that there are remedies for this trouble, and I have heard that in some sections of the British Army advice such as you suggest has been given to the soldiers. It has not been given in the case of New Zealand troops.

General CHILDS: May I interpose to say that advice is not given officially, much as one would like to give it, because that would be immediately followed by a question in the House of Commons which it would be impossible to answer. I should like to see it done in every unit of the British Army, but if it were done by the authorities, the War Office, a question would be raised in the House of Commons, a question which we would be incapable of answering.

Mr. HAZEN: Why? Do you think under the conditions which exist to-day the public would condemn the Army authorities if they did it?

General CHILDS: Absolutely.

Mr. MASSEY: A large section would.

General CHILDS: I saw that point raised the other day in connection with the Navy, because a letter was received stating that inducements had been offered to the units of a ship to have connection with women because they were told how to avoid disease, and that was a direct inducement to them to have connection with women. So that you see we are up against the so-called moral problem. Please bear in mind that I am in absolute accord with what you say.

Mr. HAZEN: Every man I have talked to is agreed about it, but there are others who will not agree.

General CHILDS: We have had the same storm of opposition in India.

CHAIRMAN: I do not know what the Secretary of State for India thinks, but I have not heard that question raised in the House of Commons. I think if the magnitude of the evil were made clear some such proposal might be agreed to. I never heard it suggested that steps for the prevention of the disease would be an incentive to immorality.

Mr. HAZEN: Like small-pox and typhoid fever the disease exists, you cannot prevent the disease existing; therefore, is not the better method to minimise it as far as possible?

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Mr. CHAMBERLAIN: I have never followed these subjects closely. Of course one cannot live in British politics without knowing the storm that would be provoked by any official steps of that kind. I agree with what the General has said as to the storm that would occur. People are not guided solely by reason on these matters, but by sentiment, and by the religious feeling, and I think, having regard to our past history in this country, you could not find a more thorny question than that which surrounds the old C.D. Acts or any fresh attempt to exercise control.

Sir ROBERT BORDEN: What were the C.D. Acts?

CHAIRMAN: Under the C.D. Acts the women had to be examined.

Sir ROBERT BORDEN: Had you them in force here?

CHAIRMAN: Yes.

Mr. CHAMBERLAIN: If you make a mistake in the case of one woman and expose her to all the indignity of examination you have the most terrific row. I do not know what you think as members of other Parliaments. Here, although it may be you had a right to take the woman up, the proof may not be clear.

CHAIRMAN: There was in this country the well-known case of Miss Cass. When the late Mr. Matthews was Home Secretary, under his rule Miss Cass was arrested on the charge of solicitation in the streets of London and there was a most tremendous row. As a matter of fact, Mr. Matthews, who was a determined and courageous fellow, defended his police on the debate in the House of Commons, and the Government of that day were beaten on a division.

Mr. CHAMBERLAIN: With a majority of over a hundred to their credit they were defeated.

CHAIRMAN: Yes, they were beaten when they were trying to do the very thing you suggest now.

Mr. HAZEN: But there cannot be any row of that sort kicked up, or any sympathy felt for any woman who is ill-treated, if you instruct the men in the precautions they should take to prevent themselves from contracting the disease, just as if you instructed a man as to the precaution he should take to prevent him getting small-pox or typhoid fever. It is not the same case at all as the one you put.

Sir JOSEPH WARD: I would not care to get up and defend it in Parliament in our own country.

Mr. HAZEN: I believe you could defend it quite successfully.

CHAIRMAN: It raises the same question: it is said to be an encouragement of vice.

Mr. HAZEN: You know what intense feeling is aroused when you interfere with any woman's rights. But here you are not interfering with any such rights. You are, on the other hand, trying to protect a man against himself.

CHAIRMAN: You are said to be encouraging immorality.

Mr. HAZEN: I do not think you would encourage immorality one single bit.

CHAIRMAN: I agree with Mr. Hazen that you would not increase immorality, but that is the allegation that is made.

Mr. HAZEN: I know, but are you not able to meet it if you have a row about it and a discussion over it?

CHAIRMAN: Would not the Conference like to hear the Home Office representative, because these charges rest upon very solid ground? I am sorry to say I have had a great many grave complaints made to me by people who are responsible for the Soldiers' Clubs and other similar institutions. I have been examining this problem now as Minister for a good many years and, as far as I know, the Home Office has, short of the renewal of the C.D. Acts, taken every practicable step, and I think it would only be fair to hear what the Home Office have to say, who are responsible for London; and then there is General Childs from the War Office who will tell you anything he can about it, because the War Office are as much concerned in this from the point of view of the speakers as anybody else.



Sir EDWARD MORRIS: Before the question is put, I would like to ask the Assistant Commissioner of Police whether these people are ever arrested for disorderly conduct. Are they not committing a breach of the ordinary Common Law every time they go about the streets?

Sir FREDERICK WODEHOUSE: It is not a breach of the law to be a prostitute.

Sir EDWARD MORRIS: No, but is not a woman on the streets soliciting committing an offence?

Sir FREDERICK WODEHOUSE: No offence.

Sir EDWARD MORRIS: Mr. Massey has stated that he saw hundreds and that it was quite clear what they were doing. They were breaking the law, and that must be so also in the case of women who go for miles into the country and hang around the camps.

Sir FREDERICK WODEHOUSE: I am not concerned there; I am only concerned with London.

Mr. MASSEY: I am speaking of the law generally in relation to the whole thing. Those people would be arrested anywhere else for disorderly conduct.

Sir FREDERICK WODEHOUSE: A police officer cannot arrest unless there is an offence.

Sir EDWARD MORRIS: Unless the women are disorderly?

Sir ROBERT BORDEN: Is soliciting an offence?

Sir FREDERICK WODEHOUSE: Soliciting to the annoyance of an individual is an offence.

Sir EDWARD TROUP: The law is that if a woman is a prostitute and she is soliciting for prostitution to the annoyance of any person, she is liable to arrest, but the penalties are extremely small. In London it is only a fine in a case of that sort. As a matter of fact a very large number of women are arrested. I do not know whether Sir Frederick Woodhouse can give the figures, but they run into a large number.

Sir FREDERICK WODEHOUSE: I could not give any figures; they fluctuate a good deal.

Sir EDWARD TROUP: As a matter of fact a good deal has been done, and in some areas which were very bad there has been a great improvement effected by the action of the police in enforcing the law more rigidly than before. I am very sorry that Sir George Cave is not here, because he could put the case very much better than I can, but I can say that almost since the beginning of the war, certainly since the Canadian soldiers began to come here, this subject has been continuously under the consideration of the Home Secretary and the authorities. It has presented undoubtedly extraordinary difficulties and we have not been able to do nearly so much good as we should wish to do. The history of the Contagious Diseases Acts has always presented a very great obstacle to any strong measure which could be taken in the way of combating venereal disease. It was almost the most burning question in England when those Acts were in operation under which women were medically examined, and, if found suffering from disease, were confined in lock hospitals. That was the law in garrison towns for a good many years. It was a subject of continuous agitation both in the country and in Parliament, and finally in 1884 the Government were forced, first, to drop the operation of the Acts and then to repeal them altogether. Every time any proposal in that direction is made it at once starts an agitation against what is called the revival of the C.D. Acts. Quite early in this War one of the Regulations under the Defence of the Realm Act was used for the purpose of removing prostitutes from the vicinity of the camps, and immediately this agitation against the revival of the C.D. Acts commenced. As I said, the police and the military authorities have been co-operating, and although I cannot doubt that the state of things in the London streets is very unsatisfactory, I think a good deal has been done to improve it. A good many women patrols have been employed who have been very useful.

Sir ROBERT BORDEN: What do the women patrols do?

Sir EDWARD TROUP: They watch the women; they cannot arrest, but they intervene.

Sir FREDERICK WODEHOUSE: It is preventive work.

CHAIRMAN: They get them off the streets; they act by moral suasion.

Mr. MASSEY: It wants more than moral suasion.

CHAIRMAN: When they see a woman speaking to a man they try to use persuasion.

General CHILDS: Sometimes with disastrous effects.

Sir ROBERT BORDEN: What do you mean by disastrous effects?

General CHILDS: The man resents it intensely if he is interfered with when he is engaged speaking to a woman.

Sir EDWARD TROUP: It is not effective in every case.

CHAIRMAN: We have had cases of girls who were taken up on suspicion but turned out to be the fiancées of the men they were speaking to. There was a case reported in the papers about a month ago of two girls who were employed at Whiteley's who were going to a rendezvous between one of them and her fiancé; their conduct caused the police to be suspicious and they interfered with them, and there were the strongest comments made by the magistrate, who dismissed the case. The police are really in an extremely difficult position.

Sir EDWARD TROUP: May I say that there are two Bills now before Parliament dealing with this matter. One of them, the Criminal Law Amendment Act, has just passed the Standing Committee stage.

CHAIRMAN: It was very bitterly opposed, I understand.

Sir EDWARD TROUP: It was strongly opposed on some points, and what seemed to me to be some of the most effective provisions in it have had to be eliminated. One of the proposals in it which would have made compulsory the medical examination of women convicted of offences has gone out. There was another provision which would have increased the penalty on women soliciting. Instead of a small fine of 40s., fourteen days' imprisonment might have been imposed.

Mr. MASSEY: That was not agreed to?

Sir EDWARD TROUP: No, they would not agree to that. On the other hand there are some provisions remaining in the Bill which may be of some use. It is made a criminal offence for any person suffering from venereal disease to have intercourse with another, or to invite or solicit any person to have intercourse, which of course is a very strong power if the evidence were obtainable, the difficulty being that the evidence would very rarely be available. As the Bill originally stood, there were certain provisions in it which would have enabled evidence to be presumed in certain cases, but those have also gone out.

CHAIRMAN: As Sir Edward Troup has told the Conference, this Bill is before a Committee, but it is before what is called one of our Grand Committees. I was told by some of the Members of Parliament who supported the Home Secretary in his proposals that the opposition was as violent and vehement as any opposition that had ever been offered in the old days to the administration of the C.D. Acts, and that there was a steadfast determination to prevent any powers of the kind being granted. As a result the Home Secretary had to abandon some of the Bill. It was a big Committee consisting of eighty or one hundred members of the House of Commons.

Sir ROBERT BORDEN: What is at the back of this opposition? What is the ground of it? Do you think it is a good thing for the troops from Overseas to contract these diseases?

Sir JOSEPH WARD: Women's rights are at the back of it.

CHAIRMAN: It is this extraordinary idea that it is an insult to the woman, and that you have no right to suspect a woman of being diseased, or of prostitution, and so on.



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Mr. CHAMBERLAIN: Surely there are two trains of thought. There is a very large school of people who are jealous of any treatment which they think derogatory to or specially directed against women. Then there is an equally large school of thought who attack all legislation of this kind as being legislation for making vice easy without the penalty which Providence has attached to it. I do not know whether to call it a religious feeling, but I suppose that is the name I must give to it.

Sir ROBERT BORDEN: Is there any law in this country which will prevent women known to be prostitutes from going within a certain distance of a military camp?

General CHILDS: Yes, either in force or about to be produced.

Mr. MASSEY: It has not been in force so far.

General CHILDS: There is a Defence of the Realm Regulation in draft I think—I am not clear whether it is yet passed—which gives us power to exclude from camps and cantonments any person for any reason. The Regulation is so wide in its interpretation that we can apply it to any person who is undesirable. If we can exclude women from cantonments and camps we can equally exclude all the forces in this country from London by placing London out of bounds. The remedy is there, but if we took such drastic action as to place London out of bounds for all troops, and all camps and cantonments for all women—

Sir JOSEPH WARD: You could not do that.

General CHILDS: No.

Sir ROBERT BORDEN: You could not do it, but still it is impossible for me to believe that the character of certain women frequenting the camps in this country is not perfectly well known.

General CHILDS: As a matter of fact that is being done, the police are stopping it.

Sir ROBERT BORDEN: I am sorry it was not done two years ago, it would have been very much better for us in Canada if it had been done. Then there is another thing which I think should be taken into account. I have been in nearly all the large cities in the world, and London is the only city I have ever visited where you cannot walk along the streets at night without being accosted by prostitutes.

General CHILDS: Do you know why? I will tell you. Because the promenades of the music halls were cleared out, where prostitution was conducted on perfectly decorous lines, and they were driven from there into the streets, and in the darkness of the streets they now carry on their trade.

CHAIRMAN: There was a very great agitation a few years ago directed against the music halls and places of entertainment, and it was alleged, and I believe admitted to be correct, that in certain parts of those music halls the women came and plied their trade, and the result was that the music halls could not get a licence unless they undertook to adopt certain regulations. That forced the women, as General Childs has said, into the streets.

Sir ROBERT BORDEN: I do not mention it in any complimentary sense to London. I think it is disgraceful.

General CHILDS: I entirely agree with every word you say.

Sir EDWARD TROUP: I think the reason is that so much more of it goes on in London in the streets, whereas in Paris most of it goes on in music halls and places of that sort.

Mr. MASSEY: I do not think it is any use postponing the consideration of this subject or deferring it.

CHAIRMAN: But perhaps you will hear what General Childs has to say for the War Office.

General CHILDS: I feel I ought to reply to that Resolution because it is directed to the War Office.

Mr. MASSEY: I have altered that.

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General CHILDS: I would like to point out, first of all, that as far as the War Office and the Army are concerned we have to administer the Military Code in this country, and that does not embrace any question such as you put before us. This is not a matter which I have regarded lightly, but it is a matter upon which I have felt very strongly for many months past. I have before me at the moment the reports of all my Provost Marshals as to what does go on in the streets. First of all, in India, when I first served there, we had a Bazaar of native women which we kept and where the women were kept clean. That system was killed, and any regiment now in India which attempted to keep a Bazaar of native women would raise a great outcry straight off. That shows how efforts to prevent soldiers contracting venereal disease are invariably defeated by the grandmotherly legislation of the country. I can assure you that when I commanded a company, during company training once a week I lectured my men on the prevention of disease, and how to have connection with a woman without acquiring the disease; but if it had been known to my General officially, I should have been told to drop those lectures. I mention that point with regard to the remark which was made by one member of the Conference about the instruction given on board ship. I saw a letter the other day complaining in the most vigorous terms about the iniquitous behaviour of the commander of one His Majesty's ships who attempted to suggest to a man a method whereby he could avoid disease. I say now, with due submission, that if that were made a matter of discussion in the House of Commons I am sorry for the Minister who had to defend it. I know this country well. Then as to France, every day in my life practically I get letters asking me to endeavour to bring pressure to bear on the authorities in France to place out of bounds all the regular establishments and State-controlled houses of accommodation. First of all I would like to make it clear that in France if a case of venereal disease occurs amongst the troops, and it can be traced to one of these establishments, we merely go to the Prefect and complain that a woman of that establishment, which is duly licensed by the Government, has given venereal disease to a soldier, and the woman is arrested, brought before the medical authorities and examined, and if she has venereal disease she is placed at once in hospital where she is kept until she is entirely cured, and she loses her licence for probably six months. That is what has obtained in France, and that is what this country is trying to break down by pressure. I have a letter to answer to-morrow on this line, asking if we will take steps to ensure that the Commander-in-Chief puts these places out of bounds. The answer must be that the matter rests in the discretion of the Commander-in-Chief. Far from being placed out of bounds, the men are informed by company commanders that these places are controlled by the State, and that they are not to go with the villagers of France indiscriminately contracting venereal disease. I spoke to the Secretary of State before I came here to-night on the subject of venereal disease, in which he has been intensely interested, and he tells me that his experience on the figures before him is that the majority of the cases of venereal disease are not contracted from professional prostitutes at all; the majority of the cases of venereal disease are contracted from enthusiastic amateurs who are not prostitutes at all. This is a point which he specially mentioned to me.

CHAIRMAN: I think that point is brought out in the evidence of the Royal Commission on Venereal Diseases. We had a Royal Commission sitting here for a long period of years before they reported, and I think the fact that General Childs refers to is brought out in their report; at all events, it is plainly stated in the literature, and one of the difficulties brought before the late Government, that is to say, Mr. Asquith's Government, was that the women who transmitted this disease were not the professional prostitutes, but women who were in quite a different class of life, whom you could not trace or get at. There is a great deal of accumulated evidence to that effect. That is confirmation of what General Childs has said.

General CHILDS: There is one other point I would like to mention because I feel sure you would like to hear the views of the War Office on this subject. Before the promenades of the music halls were cleared out I knew exactly where to send my provost-marshals. The behaviour there was such that there was no disorder and there was plenty of light, and the men saw what they were going home with. The women in those days were able to attend their own doctor and to be sure that they were more or less clean, and the men got value for money. At the present time,



General CHILDS—*cont.*

when you have cleared these music halls you have driven the women out into the darkened streets. The price of the women has gone down and the women are not able to be sure that they are themselves clean. They do not get medical advice. They are in the streets and it often happens that a man who is partly drunk is picked up by them, because men like the Bishop of London and others have driven these women into the streets. Here is the report from my provost-marshal on the 7th March, bearing out exactly what you say: "In the course of a walk between Leicester Square and Waterloo Road I noticed a very large number of women. Many of these were undoubtedly out in search of soldiers. I saw several cases where they ran after soldiers and hung on to them refusing to be shaken off." I have various other reports. The trouble before us, from the military point of view, is that a soldier on leave is a soldier on leave, and if he behaves in a proper manner in the streets we can take no action whatever in regard to his behaviour. We cannot hold, from the military point of view, that what we know will happen is disorderly conduct. I have been out at night before now in order to see what did happen. You see the usual girl rushing up against a soldier. That may be a perfectly innocent action or it may be perfectly damnable, and until an arrest is effected you cannot say whether that girl is merely joking with the soldier or whether there is something serious behind it. Our difficulty is that the provost-marshal and his assistant is impotent to take action in those cases.

Then the War Office are attacked with regard to permitting officers to consort with well-known prostitutes in London. The great difficulty which faces my provost-marshal faces Sir Edward Troup's police, for this reason, that to get a conviction for scandalous conduct under the Army Act, section 16, two things are necessary: first of all we have to prove that the officer knew that the woman was a prostitute; and, secondly, the Court has to hold that it was scandalous conduct. None of my provost-marshals would arrest a soldier for consorting with a well-known prostitute, because the fact has to be established that the woman is a prostitute, and if it turns out that she is a lady of respectability the case against myself would look rather black from the point of view of the lady. I think Sir Edward Troup will bear me out that that is the difficulty which confronts the police. The only remedy which we can suggest or offer, and the Secretary of State charged me to state it to you, is, that recognising the law of this country—and I agree with every word you have said—and my own personal point of view is that it gets back to the establishment of State vice, because I humbly submit that the suggestion of a preventive being given to the soldier at the hand of his commanding officer is but preliminary to the establishment by the State of organised vice. If we have not got that, the only thing we can do (and which I am afraid we can never do) is to place London out of bounds to the troops, and the cantonments and camps out of bounds to the women. The result of that I would not venture to suggest, but I would like the Conference to understand that this is not a matter which we regard lightly. I have my police all over the streets of London and their instructions are that if they see a soldier a little bit "cocked," a little bit drunk, they should arrest him lest he get picked up by some diseased woman and his life be ruined, and where it is the case of a man not in that state who is wandering about London and behaving properly I am, from the point of view of military law, perfectly impotent. We do what we can through our provost-marshals in the way of looking after men who are in that state, but more than that I am sorry to say the War Office cannot do. It is not a problem for the Army Council but for the nation, and if legislation is adopted I assure you the military authorities will see that it is carried out as far as the Army is concerned. I have to confess that the Army Council are perfectly impotent to deal with the condition of affairs under the laws of this country.

Mr. HAZEN: What you say, General, is in a large measure absolutely correct, but even if you come to London when there are no soldiers in the streets and when there is no war on, there is no difference; that is to say, when I have come to London before this war, prostitution was very conspicuous about the streets of London. It is always so along the Strand at any time.

General CHILDS: It always has been.

Mr. HAZEN: Now if you go to the City of New York, which is a large city, or any of the other large American cities I have been in (and I have been in a great many at different times) I have never seen on any street of the City of New York the state of things which exists in the Strand even in peace time.

General CHILDS: I have not seen it in any other city of the world that I have been to.

Mr. HAZEN: What is the reason? Why cannot the police in the City of London grapple with the question in the same effective way as it is grappled with in New York and other cities?

CHAIRMAN: Do they regulate vice in the City of New York?

Mr. HAZEN: No, there is no licensing.

Sir ROBERT BORDEN: There is a great deal of vice in New York, but it is confined to houses in different parts; it is not in the streets.

General CHILDS: My military police have no jurisdiction over any persons other than those serving in the Army.

Mr. CHAMBERLAIN: Sir Edward Troup will probably say, as General Childs has said, that the reason the streets are so bad is because people who desire to stop vice, or the State recognition of vice, have driven the vice, and are constantly cheyving vice, out of all its other haunts into the streets.

Sir EDWARD TROUP: I think that certainly is so, and I think in New York the vice is there, not in the streets but in certain other haunts.

CHAIRMAN: Some time ago the Government appointed a Royal Commission and I think that Commission sat for several years; it examined this question in all its bearings and it came to the conclusion that these punitive measures were useless; that you would never prevent there being a certain number of these women, and that the only policy is to take a course of prevention. I immediately acted upon that report, and already we have got an immense number of hospitals in the country which are providing the means of curing these cases. There is a new drug called "salvarsan" which is supposed to be most effective, and it has the enormous advantage of rendering the patient non-infective on the administration of two or three doses in twenty-four hours, and then it is given for a certain period of time, I think six weeks, and the patient is supposed to be cured. The Royal Commission came definitely to the conclusion that punitive measures would do more harm than good. I believe the members of the Conference will find that in the cities which are comparable with London from the point of view of population where the streets are clear, it is because without licensing there is a recognition of vice, and women and men are able to go to those places, and the people who keep the places and live by them know that it is to their interest to have healthy women and not diseased women. Here there is nothing of that kind; it is all on the streets, and the conditions are appalling.

Mr. MASSEY: I do not think anything is to be gained by further discussing the subject. We have received a lot of information on a particularly unpleasant question and a particularly difficult question as I am bound to say. I am prepared to admit, as every member of the Conference is, that a great deal has been done to minimise the evil, but I also say that in my opinion sufficient has not been done and a great deal more ought to be done, and should have been done whether legislation is required or not.

Sir ROBERT BORDEN: As far as I can find out, nothing at all has been done for a long time as far as regulation or law is concerned.

Mr. MASSEY: Legislation is required. I would go to Parliament for it, and then, if Parliament refused, the responsibility would rest with Parliament. Speaking for myself, and what applies to me will apply to many another public man in different parts of the Empire. I took a very active part in asking the people in our Dominion to do their duty, in the case of young fellows by volunteering for active service, and, in the case of their relatives, by allowing them to go, and even advising them to go. I have that responsibility, and I feel it, and when I see these



Mr. MASSEY—*cont.*

boys whom I have asked directly or indirectly to come to this side of the world to do their duty here being subjected to temptations in the Strand and other places, and when I know what is happening in the neighbourhood of the camps, I do feel that I have not done my duty unless I bring it before the Conference at the first opportunity. So far as the other point is concerned, that there should be some form of protection which will allow the soldiers to have intercourse with women even if the women are diseased, so that the men will escape contracting the disease, I am not prepared as a public man to take the responsibility of doing it. I say so advisedly; I could not face Parliament with that proposal. I have been consulted semi-officially by medical authorities as to whether I would consent to their doing it, and I said, "No,"—that if the responsibility was placed upon me I would say "No."

Sir ROBERT BORDEN: What your people should have done was to go ahead and not say a word to you about it.

Mr. MASSEY: That is another story. I happen to know sometimes what is in the mind of medical men.

General CHILDS: So do I.

Mr. MASSEY: But I do not think we can separate without passing a Resolution on this subject. I had better read it.

Sir ROBERT BORDEN: I think it is one about which we ought to be very careful.

Mr. MASSEY: If it meets with the general assent or approval of the Members of the Conference I will take it away and go over it carefully and then submit it again. I simply want to get the opinion of the Conference unofficially.

CHAIRMAN: Let us have the Resolution read. We have not had it put before us yet.

Mr. MASSEY: "That the attention of the authorities concerned be called to the temptations to which our soldiers when on leave are subjected, and that such authorities be requested to protect the men by having the streets, the neighbourhood of camps and other places of public resort, kept clear of women of the prostitute class, and that they be requested to take any other steps necessary to remedy the very serious evil which exists."

CHAIRMAN: I think we must consider it now, because the two Departments concerned are the War Office and the Home Office, and it would be quite impossible for us here who are members of His Majesty's Government to consent to a Resolution which condemned them for only carrying out the law for which the Government as a whole is responsible. They are not responsible for the law but for the administration of it. The Government is responsible.

Sir ROBERT BORDEN: Perhaps you cannot consent to a Resolution condemning the Government. The rest of us, however, might get together and pass a Resolution of that character.

CHAIRMAN: Yes, and no doubt it would be a strong Resolution which we could use as an incentive to further measures if they could be taken. But let me in defence of His Majesty's Government say that after this discussion, in which we have had a strong condemnation of their policy, we have not had a single practical suggestion except the one that fell from Mr. Hazen, and, in fact, the mover of the Resolution has said that nothing would induce him to propose anything of the sort in his own Parliament.

Sir ROBERT BORDEN: I have proposed something. I have asked why were not these women excluded from the vicinity of the camps long ago?

CHAIRMAN: Because you cannot prove that they are prostitutes.

Sir ROBERT BORDEN: In Canada we have done it over and over again without any law at all. We have driven them away from military camps by means

Sir ROBERT BORDEN—*cont.*

of military control. Do you say you cannot detect women of that character round a military camp? I will not believe that at all, because I know on the contrary that so far as we are concerned we can detect, and we kick them out and drive them away; we have done it.

CHAIRMAN: Is that in cases where you have got, as we have near our military camps, towns? We did that in one military camp which we had in England here, but then the women went to the adjoining towns which were situated within four or five or six miles of the camp and the men followed them there. That was done by us in one camp in England which I know very well indeed.

Mr. MASSEY: That is not the point. We all know the temptations to which men can be subjected. We know that the temptation is bad enough at any time, but the temptation is increased twenty-fold by the women following the men as they are allowed to do in the streets of London.

CHAIRMAN: That is another matter.

Sir ROBERT BORDEN: The moment a man comes out of the camp a woman pursues him.

General CHILDS: That is true, but the point I make on behalf of the Army Council is that these are not ordinary times of peace, and you cannot keep them all in barracks. All over this country you have camps which are not within four walls, and therefore the powers of commanding officers are not always quite capable of preventing the incursion of women; you cannot prevent them congregating in the vicinity. The point is that as a man leaves camp the harlots are waiting outside, and the soldier cannot control that situation.

Sir ROBERT BORDEN: Do not understand me as criticising the administration but rather the absence of law. The soldiers in camps should as far as possible have been put out of immediate temptation. It was proposed by the War Office to put the second Canadian contingent, as I discovered afterwards, in the very worst possible place which could be found in the British Isles; some people who heard about it and who were interested, one of them being a woman to whom I think Canada ought to be very grateful, went to the authorities and raised very strong objection to this, and in the end the Canadian soldiers were not stationed there. I think the camps should have been put as far as possible away from temptation. I know you cannot prevent it altogether; I am not contending that for a moment; but you can minimise it by regulation, by law, and by administration, and that is what should have been done. Another awkward thing about it is that the doctors tell me the virulence of those diseases has increased under the conditions which obtain at present by rapid communication from one person to another. The forms of the disease manifesting themselves at present are worse than ever known before in the history of the world. This is going to infect the life of Canada for the next fifty years. Not only that, but it brings the danger of infection to people who are not guilty of any wrong-doing at all; they are continually in danger. One has to be on guard all the time, with conditions as they are at present and as they will prevail in the future, from being infected oneself in some way. You cannot tell, you are in danger all the time by reason of the horrible prevalence of these awful diseases. That is the reason I feel so strongly upon the subject and why I think a great deal ought to have been done that has not been done.

Mr. MASSEY: I really think we have carried this far enough, at all events I am going to retire presently. I would like to know what the position is. Are we going to continue this discussion another day or do you rule this out of order?

CHAIRMAN: It is not out of order at all. It has been suggested that a Resolution should be brought up for consideration later, but not for discussion.

Mr. MASSEY: I am prepared to amend my draft Resolution.

Sir ROBERT BORDEN: I am not prepared to pass that Resolution without further consideration, and, therefore, it had better not proceed to-night. We had better circulate it amongst ourselves and consider the exact form of it.

CHAIRMAN: And we might consider that we have taken the discussion and it only remains to produce the Resolution; I think we cannot go further to-night.



12th Day.] TEMPTATIONS OF OVERSEA SOLDIERS IN LONDON. [24 April 1917.]

General SMUTS: I understand that we are not proposing at present that anything should be done by the Governments of the Dominions. We are calling upon the British Government to take some action to protect the soldiers who are simple-minded people and require protection. Is not the best form in which to achieve our object to bring the matter in the most impressive way before the Prime Minister of the country? Perhaps we can discuss that when we meet again.

Sir ROBERT BORDEN: As I said a moment ago, it is difficult to frame a sufficiently strong Resolution which would not be regarded as a censure either upon the British Government or upon part of the British Government.

CHAIRMAN: I think if a strong Resolution of Protest were published surely it would have some good effect even in the House of Commons.

Mr. CHAMBERLAIN: I was thinking that a solemn remonstrance from the Dominion Ministers addressed to the Prime Minister of the day—a document which might if necessary be produced and published—might have great weight with public opinion.

Mr. MASSEY: It has been admitted that this is a very serious evil and there is only one straightforward way of dealing with it to my way of thinking, so far as this Conference is concerned, and that is to face it and express our opinion very plainly, but in moderate terms, about the evil that exists and the temptations to which our men are subjected, and ask that that temptation should be minimised.

Sir ROBERT BORDEN: We all quite agree in that, and it is now purely a question of procedure. I think we can find a solution for it.

Mr. MASSEY: I shall be no party to any other way of dealing with it except through the Conference. I do not think that any other is a proper course.

Sir ROBERT BORDEN: The difficulty is the one I have mentioned, that you cannot expect this Conference to pass a Resolution which would be regarded as a vote of censure upon the British Government and have the Government's representatives assenting to it.

Mr. MASSEY: I do not suggest that for one moment. I will draft a Resolution which will not be in any way a censure motion; I would be no party to a proposal involving censure.

Adjourned to to-morrow at half-past ten o'clock.

## THIRTEENTH DAY.

Wednesday, 25th April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 10.30 A.M.

The names of those present are printed on page 94 of [Cd. 8566.].

### Double Income Tax.

(See pp. 95-109 of [Cd. 8566.].)

### Development and Control of Natural Resources.

(See pp. 109-111 of [Cd. 8566.].)

In that Blue Book the following passage was omitted:—

CHAIRMAN: There is also a motion by Mr. Massey dealing with "dumping" which appears to be covered by the other, or which is, at all events, dealing with the same question. Then there are the Board of Trade Resolutions arising out of Memoranda which have already been submitted to the Conference. I thought we might take Sir Robert Borden's Resolution first, which probably would not lead to much discussion, and then get to the Board of Trade Resolutions.

General SMUTS: Yes, I think we might pass Sir Robert Borden's Resolution without much discussion.

### Control of Imports after the War from present Enemy Countries.

(See p. 112 of [Cd. 8566.].)

The following passage was omitted from the Blue Book:—

CHAIRMAN: We might take it formally and then have a general discussion on the Board of Trade Resolution. This raises the same question, only in another form.

### Control of Wool Supplies.

CHAIRMAN: Now we come to the Board of Trade Resolutions on the control of the export of certain commodities. The first deals with wool.

Sir ALBERT STANLEY: I do not know if there is to be any long discussion on this particular point. It is within the knowledge of members of the Conference that a very large part of the wool raised in the Empire is now under the control of the State and purchased by the Government. Naturally the question arises, What will the position be at the conclusion of the War? It does seem to us that it is desirable that the Governments concerned should consult and try to come to some arrangement with respect to the post-war position. That is all we propose in this draft Resolution. We have no concrete scheme to put before the Conference. I think it would be desirable that the representatives of the Governments concerned should discuss this matter and come to some understanding upon it. It is quite clear that it is desirable that the interests of the Empire and of our Allies should be secured. It is very unlikely that there will be enough wool produced in the world to meet the requirements of all countries, and it is desirable that steps should be taken to secure our interests first.

CHAIRMAN: Do you move that first Resolution?

Sir ALBERT STANLEY: Yes, I move that Resolution formally.

CHAIRMAN: There is present, besides the President of the Board of Trade, Mr. Wintour, who is head of the Contracts Department of the War Office, and who has been good enough to come, and may take part in the discussion later on.

General SMUTS: I have nothing to say about these proposed Resolutions in themselves, but the question arises whether these Resolutions ought to be published during the War, because there is no doubt that the tendency of these Resolutions is to make a sort of menace, and it might very seriously retard the conclusion of peace when the present enemy countries know that these measures are being devised for our future protection. I should not like to embarrass the larger and graver issue of the War itself, and that is why I ask the question. I do not think there is any objection to these Resolutions in themselves, but my



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suggestion arises with regard to the question of publicity, which may influence the duration of the War.

CHAIRMAN: Perhaps Sir Maurice de Bunsen would like to say something on that.

Sir MAURICE DE BUNSEN: What strikes me about that at this moment is, that what General Smuts has raised is a very serious point, but is it not already covered by the fact that the whole world knows about the Paris Resolutions? They know already that that is our object.

General SMUTS: The Paris Resolutions have somewhat fallen into the background, I suppose, by this time. You do not hear much talk about the Paris Resolutions now, which, after all, were in the nature of advice or suggestions to the allied Governments. But here we come now to an allied Government taking action and laying down the policy which is going to be adhered to after the War. Either we at this Conference or the Imperial War Cabinet ought to consider the publicity to be given to any of these Resolutions, which would make the position of the enemy countries far worse after the War; there is no doubt about that.

CHAIRMAN: We have to discuss that whole question of publication on Friday. First of all, as to what resolutions that we have passed can properly be made public at present, or during the War; and, secondly, how far our proceedings should be reproduced in the form of a Blue Book, and when. We shall really have to discuss that question as applying to one or two other of our Resolutions, because the question is very important.

General SMUTS: The enemy countries are preserving great secrecy with regard to all these matters. There is a very great deal of discussion in their Press, and there have been Conferences between the enemy Governments, and so on, but what the trend of these Conferences is, and what Resolutions they have come to, remains an impenetrable secret, and the question is whether we should not keep our counsels to ourselves too. I think that is a question really for the Cabinet to consider as a matter of high policy.

CHAIRMAN: Yes, it is for the Government.

Mr. MASSEY: In addition to what has been said by General Smuts I should like to say that I agree with the principle of the Resolution, inasmuch as I think it will be desirable—nay, more, it will be necessary—for the Governments, and perhaps even for representatives of the different wool-producing countries of the Empire, to come together to consider, along with representative men of the United Kingdom, including, of course, British Ministers, the position we are going to be in after the War with regard to the supply of wool. I have looked into it to a certain extent in connection with some other public business in which I have been engaged, and I am quite convinced that there is going to be an extreme scarcity of wool when the War comes to an end, and, in consequence of that, of course, an enormous demand. The reason is obvious. During the present War—and this is going on to-day—there has been a very serious depletion of the flocks in the continental countries on account of the enormous demand for meat. The great demand for meat, and the very high prices that have been ruling, have of course encouraged people to kill off their flocks in a way which had never been thought of or contemplated in previous years. That interferes with the flocks and with the supply of wool to a larger extent than many, outside European countries, have been inclined to imagine. Even in our own countries we know what has happened. We have not been able to increase our flocks in the way we should have done in New Zealand, and the same thing obtains in Australia, while the War has been going on, because naturally the producer is inclined to make the most of his flocks when the opportunity offers, and, instead of his land producing wool, he has fattened a very much larger proportion than he usually does, and they have found their way to England in the shape of frozen meat. In the United States of America they have got into the position that they are no longer able to supply themselves with wool, and were in that position some years ago. I do not know exactly what the position is in Canada. Though Canada is asking for wool now

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from wool-producing countries, and has not been able to get it from within the British Empire, as we are unable to give them all they want of that commodity. Then, as to the cause of the demand, I can speak authoritatively on this subject, and I say that the stocks of wool have not been so low perhaps at any time in British history, certainly within the last 50 years, as they are at present, and I include in that woollen goods. The reserve in both cases is very small. Another fact which is going to operate, and which we might be inclined to lose sight of at the moment, is that we have millions of men in khaki at the present moment, probably five millions, but how many exactly I am not able to say; they come from the different countries of the Empire and are wearing khaki at present, but when the War comes to an end, certainly within a very few months of its ending, part of those men, 90 per cent. of them, I should think, will require to get out of khaki and into other forms of clothing into the manufacture of which wool enters very largely. That in itself will greatly increase the demand for wool, and I say that some safeguard—and I am not prepared to suggest what the safeguard should be—will have to be sought in order that the countries within the Empire and the countries of our Allies are supplied so far as it is possible to do so with the wool required for the clothing of their population. This is a matter for consultation. I think Sir Joseph Ward will agree that neither he nor I could commit the country to which we belong without consultation. All we are prepared to do is to agree that some consultation should take place as soon as possible, without waiting until the War comes to an end, with regard to what should be done in the production and distribution of wool fairly among the countries of our own Empire and those of our Allies.

Sir ROBERT BORDEN: Have the flocks been kept up in Australia and in New Zealand during the War?

Mr. MASSEY: Speaking generally, no. Taking New Zealand the flocks have not quite been kept up, but the falling off has been very small, and it is not owing to the demand for meat that we have experienced in the last three years, but in one part of New Zealand we had a somewhat serious drought for one season particularly, and to a small extent for two years, and the consequence of a drought in a wool-producing country is that in the following season the number of lambs fall off considerably—all farmers know that. That is what has affected us; we were 200,000 or 300,000 lambs short, and in consequence our sheep are less in number to that extent, but to that extent only, I think.

Sir ROBERT BORDEN: Which is the greatest wool-exporting country in the world?

Mr. MASSEY: Australia.

Mr. ROGERS: They have seventy or eighty million sheep there.

Mr. MASSEY: They had, but they have nothing like that now. Australia suffered from drought and the number of sheep went down enormously, and they have not been able to get it up to the number, nor will they be able to do so for some years to come. The Australian flocks have not gone back in number on account of the War; they have gone back on account of the drought.

Sir JOSEPH WARD: I think the point raised by General Smuts is a very important one, and I agree with the view he holds absolutely. We are in quite a different position regarding what we have done during the currency of the War from what we might announce to the enemy is intended to be done after the War ceases.

CHAIRMAN: May not we discuss that when we come to discuss on Friday what Resolutions we are going to publish? We will discuss the whole question on Friday, which will include these Resolutions. We can pass these Resolutions with perfect propriety, and the only question remaining is whether we ought to publish them.

Sir JOSEPH WARD: I want to raise another point on the general proposal. I think the object of the Board of Trade is a very laudable one, but, when the time



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for consultation comes as to what is to be done, all of us from the Oversea countries will be in this position, that while our wool-men, our meat-men, and our cheese-men in our countries have very readily acquiesced in the proposal of commandeering these articles, which are so vital to them and at prices fixed by them, it is a question whether the same class of people after the conclusion of the War would look upon it as quite right or fair to have any limitation put upon their right to dispose of, to friendly countries as well as to British countries, those articles which for the purpose of helping to win the War right out they were prepared to make a sacrifice upon during the War. We have stipulated as regards meat that that is to continue for a period after the War, but I think I am right in saying that Mr. Massey and I, when discussing negotiations with regard to that very important article with the President of the Board of Trade and his officials, had in our minds the fact that a number of the members of the army consuming that meat will continue to consume large portions of it after the War has ceased. The wider and more important issue raised with regard to these matters here has my sympathy I am bound to say, but it does require, as Mr. Massey has said, serious consideration before we are in a position to arrive at a definite conclusion regarding it.

I take this opportunity of saying what is in the minds of most of us, if not all, that the Germans for a considerable period after the beginning of the war purchased enormous quantities of wool, which are now warehoused in the United States of America. They purchased other articles as well, which are also warehoused in the United States of America; and it was publicly stated that their acquisition, both of wool and of those other articles, was intended to enable them to come into active competition with this country quickly after the conclusion of the War. That is the position at the moment—there is no doubt about that. What strikes me (and I do not know whether it can be done or not) is that representations might be made to the United States Government to commandeer the whole of these supplies got from British countries through houses here and through American houses too. I think one of the strongest roads to go on, among other ways, is to prevent that wool finding its destination in enemy countries immediately after the end of the War, and we should add it to the new season's clip of wool, or whatever the article may be, and in that way it would help to make up for any deficiency that may exist in connection with wool supplies at the conclusion of the War. I do not quite know whether diplomatically the matter can be approached upon any lines such as I am suggesting, but it seems to me that America would be quite justified, if it were advisable to do it, in commandeering that wool and appropriating it, but paying the full value for it, so that no exception could be taken to it being done in that way.

Sir ROBERT BORDEN: This Resolution merely recommends consultation, and there is no objection to consultation, so I suggest we might pass it.

Mr. ROGERS: This does not include meat, as I understand.

CHAIRMAN: No, only wool.

"It is desirable that there should be immediate consultation among such of the Governments of the Empire as are concerned with wool production for the purpose of framing a scheme for the control, so far as possible, of wool produced in the British Empire during the period immediately following the War, with a view to safeguarding Imperial resources and meeting the industrial needs of the Empire and the Allies."

May we adopt this Resolution?

[AGREED.]

#### Control of Ores and Metals.

CHAIRMAN: The next Resolution is with regard to ores and metals, which I understand you move, Sir Albert Stanley?

Sir ALBERT STANLEY: Yes, I do. The Resolution is as follows:—

- "(1) That it is desirable that the exports to foreign countries of important ores and metals (the produce of the British Empire) should be controlled for a period after the War.

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- "(2) That the Conference would welcome appropriate measures for the purpose of freeing the Empire and the Allied Countries from their previous dependence on German-controlled organisations with respect to non-ferrous metals and ores.

- "(3) That the Governments of the Empire should consider the desirability of imposing restrictions on the acquisition of mineral rights within the Empire by, or on behalf of, subjects of present enemy states."

Sir EDWARD MORRIS: As regards wool, it is provided that immediate consultation will take place. In relation to metals, how do you propose that the matter should be dealt with? Is it proposed to set up the same machinery in the nature of consultation between the various Governments?

General SMUTS: Yes, it is in sub-clause 3 of the Resolution.

Sir EDWARD MORRIS: No, that is rather with regard to imposing restrictions.

General SMUTS: We could use the same procedure.

Sir EDWARD MORRIS: Quite so.

Sir ALBERT STANLEY: I am assuming that this Resolution does not do more than place before the Conference a point which has already been agreed to, and that is that we should take steps.

CHAIRMAN: With regard to all these three Resolutions, the Memoranda of the Board of Trade have been before the Conference since the beginning. Is it your pleasure to adopt the second Resolution with regard to metals?

Sir ROBERT BORDEN: I would suggest one amendment to it in the second paragraph, in the third line, namely, the substitution of the word "any" for "their," because it is not complete dependence by any means.

CHAIRMAN: I understand the President of the Board of Trade accepts that?

Sir ALBERT STANLEY: Yes.

CHAIRMAN: Then it will read "from any previous dependence" instead of "from their previous dependence."

Sir ROBERT BORDEN: I am prepared to adopt it subject to the understanding to which Sir Edward Morris has referred, and which I think is important, namely, that there should be in this matter the necessary consultation, to be followed by concerted action. That is, I understand, the meaning of the Resolution.

Sir ALBERT STANLEY: Quite so.

CHAIRMAN: Yes. May we take it that the Resolution is adopted?

[AGREED.]

#### Control of Meat Supplies.

Sir ALBERT STANLEY: The next Resolution is: "In view of the extent to which the United Kingdom and certain other parts of the Empire are dependent on oversea supplies for meat, and of the desirability of freeing British markets from excessive dependence on foreign organisations which control important sources of supply, this Conference is of opinion that there should be co-operation between the Governments of the Empire to ensure that the Empire should become, as far as possible, self-sufficing in the matter of meat supplies, and that the Governments concerned should prepare detailed plans with this object." On this question, perhaps, I may give the Conference one or two figures in order to show the importance of this industry. In peace time the United Kingdom imports about one third of its supplies of beef, and roundly, one-half of its supplies of mutton. As regards beef, five-sixths of the imports come from the Plate, and one-sixth of the imports come from Australia and New Zealand. As regards mutton, one-fourth comes from the Plate and three-fourths from Australia and New Zealand.



Sir ROBERT BORDEN: Is no portion of this supply to the United Kingdom derived from the United States?

Sir ALBERT STANLEY: A small portion.

Mr. GARNHAM ROPER: It was in 1914 negligible.

Mr. MASSEY: Now that the question has been raised, it is well that we should be clear about it. What happens is, that the meat is purchased from citizens of the United States, but that meat is produced in the Argentine.

Sir ALBERT STANLEY: That is exactly the point we desire to raise, because it is the very rapidly growing activities of the firms comprising what is often termed the American Meat Trust which make it very desirable that this question should be raised at the Conference for discussion. Their activities in the Plate have grown tremendously fast. It is only in the last six or seven years that they have developed their industry, and I believe now their imports from the Plate to this country are forty-five per cent. probably.

Mr. GARNHAM ROPER: More than that recently.

Sir JOSEPH WARD: Of the beef?

Sir ALBERT STANLEY: Yes, of beef, but sixty per cent. of the imports of beef from the Plate are in connection with the American Trust, so it is growing to be a very serious menace. They are very powerful, their resources are enormous, and there are indications that their activities are being extended in other directions, particularly within the Empire.

Mr. MASSEY: I agree thoroughly with the opinion expressed by the President of the Board of Trade. There is no doubt in my mind that the position being taken up by what are called the American Meat Trusts (and I am not referring to any one in particular, but I am using the term generally) is a menace not only to the consumers in the United Kingdom, but is also a menace to the producers in the meat-producing countries of the Empire. Unfortunately I have not the figures here, but I had them taken out some little time ago, and I could have given you the accurate figures, and can give them at a later stage if it is necessary or desirable; but there is no doubt they have a knack in the countries where they come into competition with other meat-dealing firms of getting rid of that competition. That may be done by buying up the firms with whom they come into competition, or it may take the other form of giving for the time being a higher price than the other people are able to give, and consequently strangling the business of their opponents in that way. I have looked into what has happened in the Argentine, and I understand that both methods have been adopted there, and in consequence there is very little competition in the Argentine Republic with the American Meat Trusts. There is one company which is being backed up to a certain extent by the Imperial authorities which will undoubtedly hold its own while the War lasts, but what will happen then it is impossible to say. They have come out in the open in Australia. They are dealing very largely in Australian meat and are gradually getting possession of the meat-producing works in Australia. The farmer, of course, is a business man, and you cannot expect a farmer to take a lower price from his own fellow-citizens than the price that is being offered to him by citizens of the United States or any other country. The same thing is happening in New Zealand. We have heard rumours for a long time past, two or three years, of the operations of the American Meat Trusts in New Zealand. While there has been suspicion, until just within the last two or three months before we left the Dominion there has been no certainty, but they have now established themselves in the Dominion, and their agents are buying meat in different parts of New Zealand and are paying a very high price indeed under existing conditions for the purpose. Again, the producer will sell to the highest bidder, although all the meat that is exported from New Zealand is under the control in the first instance, and will be during the War period and for some months afterwards, of the New Zealand Government, and the whole of it comes to the Imperial Board of Trade, and in that way there is a certain amount of control. I do not know that anything serious can go wrong so long as the present conditions last, but the present conditions will come to an end when the War ends. In the meantime what is happening is that the meat

Mr. MASSEY—*cont.*

salesmen at Smithfield who have been doing business with the different Dominions for many years past—men whose names have been associated with the meat trade ever since frozen meat has been a success—have been very much affected by the War and have been able to get only a very small and intermittent supply, and certainly nothing like sufficient to keep their businesses together. They only get the surplus. They get no beef from our country because all the beef goes to the Army and only a proportion of the mutton and the greater part of the lamb is placed upon the open market at a price fixed by the Board of Trade. To that extent they have been able to keep their business going, but it has not been profitable; in fact, they have made no profits, but they have held on to it during the War period for the sake of being able to take it up again when the War comes to an end. Now here is where the American Meat Trust comes in. When they made their contract with the British Government it was for a certain quantity, a very large quantity of beef mostly, but they made this provision, and they have taken full advantage of it, that in the case of their being able to land more meat in Britain than was contracted for they have the right to place the surplus on the open market and dispose of it at the highest price which they are able to obtain for it.

Mr. GARNHAM ROPER: That is only Plate meat, as a matter of fact.

Mr. MASSEY: Yes. When I made that statement I was only thinking of the Plate beef. As you have said, the greater part of our beef supply comes at the present moment from the River Plate. Anyone can see the unfair position in which a man, whose business was that of selling meat previously, has been placed as compared with the representatives of the American Meat Trusts who get their meat from the Plate. As time goes on, the pressure will become greater. I have had one or two of these people to see me; I do not know that I can say they came by way of a deputation, because that would hardly be correct, but they came to talk matters over with me, and they have said that they are being driven into this position, that they will either have to go out of business or join hands with the Trusts, and so strengthen the very strong position which the Trusts occupy at the present time. That is the position the British Government are placed in. So far as we are concerned, I think we can deal with it in New Zealand, but I am not quite sure. I am not so anxious about what may happen at our end as I am about what may happen in the great centres of the United Kingdom, and particularly in London. In our country we have the control of the railways. In our country legislation gives us the right to license the meat export slaughterhouses, so that if we consider that anything unfair is being done to the producers or the consumers under our legislation we could do anything which was necessary to protect the interests of our people. If the Meat Trusts are able to continue their activities, and I believe they will, they will get into this position, that they will not only be able to squeeze the producers on the other side of the world—and I am not thinking particularly of New Zealand, because it applies to all meat-producing countries, though specially to countries within the Empire, but they will be able to do as they have done in America, that is, squeeze the consumer. Then we get into a very unfortunate position from the point of view of the whole of the citizens of the British Empire. They are very keen business men, and I do not suggest that they would do anything which is not straight from a business point of view, but we know that they are after the dollars all the time, and that principle applies both to the United States and to our own business men. I am strongly of opinion that it will be necessary for the British Government to consider this matter, and have it gone into fully, either by the Board of Trade or by a Royal Commission or by a Parliamentary Committee, or in some other way, so as to have the whole system enquired into exhaustively, and then take the necessary steps to protect the citizens of the United Kingdom, as well as the citizens on the other side of the world, from the possibilities of what I have indicated may be the result of the operations of the American Meat Trusts.

Mr. ROGERS: With regard to this Resolution, let me say that, in so far as Canada is concerned, if the Board of Trade desires the co-operation of that Dominion in respect of the meat industry, and the meat trade, there is something which they



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will have to do themselves first of all. There is a very sore point with our Dominion by reason of the fact that, as a result of action taken by your Board of Trade some years ago, you placed an embargo against our Canadian Cattle.

Mr. CHAMBERLAIN: It was the Board of Agriculture, I think, not the Board of Trade, who dealt with the embargo.

CHAIRMAN: Yes, the embargo on cattle is a matter for the Board of Agriculture.

Mr. ROGERS: Then the Board of Agriculture are responsible for a condition of affairs which makes it very difficult for the Dominion of Canada to be of much assistance in the matter of co-operation, because that Board placed that embargo some years ago, and it still stands. It was placed under the pretext that we had disease among our cattle, and, although we had an investigation at the time, it was clearly proved that no such disease existed, but nevertheless the embargo has still been held as against us, with the result that we have suffered very very seriously. It is not surprising to me that when Sir Albert Stanley comes down to-day and talks about the amount of beef imported into the United Kingdom, he is able to tell this Conference that it is practically all imported from the Plate or from Australia and New Zealand. Now we in Canada have countless millions of acres of land suitable for the growing of cattle, and we had a great cattle industry started there that was prospering to an extent that was very creditable, but as the result of this embargo the United States, as was suggested a moment ago, with their usual activities—

CHAIRMAN: You are in this difficulty, Mr. Rogers, that you are now assailing the policy of the Board of Agriculture and making statements with regard to it which I think ought really to be defended. It has nothing to do with this immediate question, which is purely a Board of Trade question.

Mr. ROGERS: I think it has to do with it.

CHAIRMAN: We will get somebody from the Board of Agriculture here, because I think they ought to hear your statements. The Board of Trade cannot answer them; they have no knowledge of this matter.

Mr. ROGERS: It is a question we want to bring up before this Conference ends, and if you want the Board of Agriculture representatives here I shall be glad to defer it until they are here, because it is a very serious matter to us.

CHAIRMAN: If you will take it at a special sitting I will get the Board of Agriculture representative to come to-morrow, and we can discuss it by itself.

Sir ROBERT BORDEN: It may not have anything to do with the Board of Trade, but it has something to do with this subject, and we cannot very well divide the British Government up into departments.

CHAIRMAN: As this is a matter which you want to raise in the interests of Canada, I thought you might like to have the representative of the Department here which has the information to enable the subject to be dealt with.

Mr. MASSEY: Unfortunately I have another appointment to keep to-day and shall have to go away directly, therefore may I suggest that this resolution as to meat should stand over until our next meeting.

Mr. ROGERS: If Mr. Long desires to have the representative of the Board of Agriculture here, I think we might take that course.

CHAIRMAN: I think we ought to have the Board of Agriculture representative, because only they have got the information. I did not know this point was going to be raised now or I would have asked them to come.

Mr. ROGERS: We could not agree to this Resolution until that matter I have spoken of has been raised.

CHAIRMAN: Then, if that is the case, we must postpone the Meat Resolution. At present, for our meeting on Thursday night, we have only the Preference Resolutions; that matter we have discussed in the Cabinet, and we might take it, and then this third Resolution relating to meat.

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Sir JOSEPH WARD: Could we not do it in the afternoon of Thursday? I have an important engagement in the evening.

CHAIRMAN: When it was originally proposed that we should sit on Thursday night I think there was another meeting for the afternoon, but I understand Thursday afternoon is free now, so we could resume this discussion to-morrow afternoon, and then take the Preference Resolution, if that suits the Conference; it has already been discussed by the Cabinet. The cattle question can be deferred until we meet to-morrow.

Mr. ROGERS: Thank you.

CHAIRMAN: Is there any other aspect of the case, apart from the cattle question, which can be disposed of to-day before we adjourn?

Sir ALBERT STANLEY: The matter concerning the Board of Agriculture might be discussed although not disposed of.

Mr. ROGERS: But you would not want us to dispose of the Resolution until to-morrow?

Sir ALBERT STANLEY: No, I only thought we might discuss it.

CHAIRMAN: Is there any other aspect which we could discuss which would occupy the remaining time?

Sir JOSEPH WARD: If Mr. Rogers wants to postpone his remarks until the Minister of Agriculture is present I want to speak on the subject.

CHAIRMAN: We will have the Board of Agriculture representative here to-morrow.

Sir JOSEPH WARD: This matter is one which very deeply affects New Zealand, and is of very great importance. This country imported last year 460,000 tons of frozen and chilled beef, and it imported 260,000 tons of frozen mutton and lamb. That is 200,000 tons more of frozen and chilled beef imported into the British Isles than of mutton and lamb. I mention those figures because I want to direct the attention of the Conference to one of the difficulties which presents itself in connection with what appears to me to be a difficult matter with regard to what a great combine is apparently doing in the meat world. If I understood the President of the Board of Trade, Sir Albert Stanley, aright, sixty per cent. of the frozen meat is controlled by the American Meat Trusts.

Sir ALBERT STANLEY: From the Plate?

Sir JOSEPH WARD: Yes, from the Plate. It is said they controlled about 300,000 tons of the imported frozen and chilled meat into this country. Australia, as far as the Oversea Dominions are concerned, is the largest exporter of beef. New Zealand exports comparatively a very small quantity of frozen beef; our chief export, as is known, consists of mutton and of lamb. If I have been correctly informed, by those who are deeply concerned, about the inroads of the meat combine, the great advantage that they possess, which is at this end of the world as sellers, is that by controlling such a large proportion of the beef and having a large control of the Argentine beef they are able to overbid the New Zealand representatives of mutton and lamb from there, or the intending buyer of New Zealand mutton or lamb, whenever they like, and they do overbid for mutton and lamb, because those with whom they are dealing in this country requiring a portion of beef as well as mutton or lamb to sell to their customers can only get their necessary requirements of beef from the American Beef Trusts. They are only able to get the beef from the American Beef Trusts, and consequently the Trust is in a superior position to the ordinary importer or wholesale trader here, who can only deal with mutton and lamb alone. That is a very important point from the point of view of effecting a solution of this difficulty. Out in our country some of the American Meat Trust people have been operating on and off for some time. One of the Trusts has a representative there now who has purchased a business and is operating in that country. The position which presents itself from the other end of the world is the commission agent, or whoever it is who is representing the sheep grower, who is offered a fraction per pound higher by anybody, whether it is a British buyer or an American buyer,



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must, as the ordinary trustee for the sheep farmer, take the highest price he can get for that farmer; he cannot refuse it. The sheep grower himself, as a matter of business, does the same, he naturally sells to the highest bidder. The danger in our country is that the Meat Trust last year dealt with a little more than 250,000,000/ sterling worth of meat, which is a huge sum of money in comparison with the total value of the whole of the meat we export from New Zealand and Australia too. So that we in our country are up against that prodigious financial concern. At this end they are in control of the majority of the beef, which enables them to pay a higher price here even for consigned mutton or lamb—higher than the ordinary trader can pay for mutton or lamb unless he has beef, which he has not in nine cases out of ten. So that the position in our country is that the representatives of the Meat Trust are able to give, whenever they like to give it, more than the local value of either mutton or lamb for export to this country. The ordinary farmer is entitled to get the highest price he can obtain; that is beyond all question. The fear amongst the frozen meat works proprietors, and amongst the wholesale exporters of mutton and lamb from New Zealand, is that the introduction of this powerful financial trust into our country, if they continue to give a little more than anyone else can afford to give upon a legitimate basis of value for mutton or lamb in New Zealand, will mean that it is only a matter of time when they may drive the wholesale houses out of the trade in that country and become themselves monopolists of the whole of the mutton and lamb in New Zealand. The fear that is uppermost in the minds of the people who are watching what is going on in New Zealand and know what has taken place elsewhere is that if it goes on long enough everyone else may be driven clean out of the trade there, and a great monopolistic concern, however well conducted it may be, will then be in supreme command of the field, and able to make their own prices to the farmer for either mutton or lamb. That is the fear. If one reasons it out logically there is something to cause the fear that is in the minds of the people who are interested in the exportation of frozen meat, or in the minds of the sheep farmers themselves, who, although they get the advantage to-day of a high price because of the fact that a great concern controls such a large proportion of the beef sold here, it does very materially affect the prospective chances of men upon the land who are dependent upon obtaining a fair price by genuine competition for their sheep and their lamb; instead of thirty or forty or fifty or one hundred competitors for their mutton and lamb at the present moment, they are afraid that they will find themselves in the position of having one great buyer in the country, and therefore the prospective value of their stock will diminish.

My opinion is that this is the end of the world, and the only end of the world, where the matter can be put right. I do not believe we can put it right at our end, for the simple reason that if anybody came along and offered a higher price than the Combine for mutton and lamb, the representatives of the American Meat Trust in London could, if they wished, make it impossible for those people to get back what they had paid for mutton and lamb if they have before them the desire to control the mutton and lamb from New Zealand as they control the beef from the Argentine at the present moment. I am firmly of opinion that it is this end of the world chiefly which can deal with the matter. We could, without any difficulty in our country, refuse to give a licence to anybody to put up frozen meat factories in order to get a strong hold there. We could, as far as it is possible to do it, confine the trade to British houses, but if a British house became a representative of a great powerful combination, such as this Meat Trust is, in any portion of our country, then you would have, through the medium of some law, to follow the matter up in order to find out for whom they are trading, and then you would be confronted with the problem of saying whether a British house was not to trade with American citizens. While I think we could certainly co-operate with you at this end with a view to stemming what is an apparent danger from the point of view of the great and extraordinary combination of capital which they possess and the great organisation—because it is generally recognised to be well organised—it looks to me as if the only place where this matter can be effectively handled is at

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this end. What is the remedy at this end? To my mind the remedy is a very clear one, and I think, if we could get an expression of opinion in connection with it from the Government through the President of the Board of Trade, who is present, we may commence to see a little daylight. The remedy is to control the greater proportion of the beef imported into this country that is now coming under the control of the American Meat Trust. If you are not in a position to control the greater proportion of the beef imported into this country, then this differentiation of a higher value occasionally being paid by the American Meat Trust will continue for certain in the future, and the larger importing houses who are here trading largely in British mutton and lamb from the overseas countries are all seized with a very strong belief that they may be driven out as traders at this end of the world, on account of the superior advantage the American Trusts have by reason of their being the controllers of this enormous quantity of beef. My opinion is that the only way to get over this difficulty effectively is by the Government doing it, because I do not think any combination can get alongside it, the fact remaining that the American Meat Trust controls, as I believe, all the frozen meat factories in the Argentine. I have been informed that there are none outside the Trust, but I do not know whether that is right.

CHAIRMAN: I am sorry to interrupt you, but some of the members of the Conference have to go now, and we cannot continue the discussion at present.

Sir JOSEPH WARD: Very well, Sir, I will continue when we next meet.

#### Order of Business.

CHAIRMAN: We can meet to-morrow afternoon at three o'clock, if that is agreeable to the Conference, and then resume the discussion on the Meat Resolution, and I will ask the representative of the Board of Agriculture to be present to deal with the Canadian case. Then we can deal with the Resolution with regard to Preference, and, if there is any time left, we can finish the discussions on Medals, and the Temptations of Oversea Soldiers. That would leave our meeting on Friday for the Indian Resolution, and the discussion on publication, and the wind up of our business.

Mr. CHAMBERLAIN: As far as I and my colleagues are concerned, we shall be content to make very brief statements. I have done my best to meet the convenience of the Conference by circulating a Memorandum which will enable me to dispense with saying much.

Adjourned to to-morrow at 3 o'clock.



## FOURTEENTH DAY.

Thursday, 26th April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 3.30 P.M.

The names of those present are printed on p. 113 of [Cd. 8566.].

National War Museum.

(See p. 114 of [Cd. 8566.]).

### Administration of the Military Service Acts in the United Kingdom.

CHAIRMAN: Then I understand Sir George Perley wanted to raise a question which is not on the Agenda.

Sir GEORGE PERLEY: Mr. Chairman, there is one other matter which I think Canada may ask the Conference to find time to consider before it closes its labours, and that is in connection with the application of the Military Service Act as it affects Canadian citizens. You will remember that when this Act was before your Parliament here, I took this question up with Mr. Bonar Law and yourself, and a clause was put into the Act providing that those ordinarily resident in His Majesty's Dominions abroad were exempt from the provisions of the Act. I think we thoroughly understood each other at that time, but in the administration and application of this Act by the military authorities here we have had a good deal of trouble. I had hoped to be able to arrange the difficulty with the Secretary of State for War, but so far this has not been done. This afternoon I am to have another meeting with him at 6 o'clock, but I may find it necessary to ask, if the Conference could find time, that we should have a short discussion on the subject here. The difficulty has been brought to a head by the claim put forward by the War Office in an official letter that Canadians should not enlist here in the Canadian Forces.

Mr. MASSEY: Why?

Sir GEORGE PERLEY: I did not intend to go into the matter at the moment, but I simply wanted to give notice of it, and to ask whether it would be possible for the Conference to find time for a discussion of this matter, which is a very important one to us, and I think to all the other Overseas Dominions.

CHAIRMAN: Is it the pleasure of the Conference that this question of enlisting Dominion recruits over here for our Army—I suppose that is what it comes to—should be discussed?

Sir GEORGE PERLEY: It is the whole question of the status of citizens from the Overseas Dominions in connection with your Military Service Act.

CHAIRMAN: That is why I put it in that way, because it is important for the representatives of the Dominions to realise that we have now a system of compulsory service here which imposes upon people within certain ages the obligation of military service unless they are released by a tribunal. Therefore, anybody who does not either escape through a tribunal or who is not a Canadian, an Australian, a New Zealander, a South African, or a Newfoundlander, and so on, is liable to be taken into the Army here. It works both ways. What you want is to have the status of a Dominion citizen recognised as it was recognised at the time of the passing of the Act.

Mr. MASSEY: I should like to be clear about this, and I shall be glad to discuss the question if there is time. As I understand, the Canadian representatives are not likely to be leaving as soon as they expected a fortnight ago. It is your point, Sir George, that you object to Canadians being conscripted if they happen to be resident in England?

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Sir ROBERT BORDEN: It is not worth while to go into the details of it just now. The point is that persons who are ordinarily resident in Canada are not subject to the provisions of the Act, but the administration of that Act, as we understand it, has not been conformable to its terms. Further than that, we see no reason whatever why the War Office should endeavour to dictate to us with regard to enlistment in our Forces of persons ordinarily resident in Canada who happen to be in the United Kingdom, and I for one do not propose to have any such interference.

Mr. MASSEY: No, that is not the point here. Are the Canadians in England who object to conform to the British law conscripted?

Sir ROBERT BORDEN: The question is one of domicile. If they are ordinarily resident in Canada they are not subject to this Act, and therefore the Act should not be enforced against them.

Mr. MASSEY: That is to say, if ordinarily domiciled in Canada.

Sir ROBERT BORDEN: That is so. If ordinarily domiciled in the United Kingdom, no question arises.

Mr. MASSEY: Supposing a number of British people who objected to conscription went over to Canada because conscription is not in operation there, and in order to avoid it, would the Canadian Government take any action with regard to them?

Sir ROBERT BORDEN: No.

Sir JOSEPH WARD: If I understand it rightly, I am rather in sympathy with what has been said, but before it comes up for discussion I should like to know whether I am right or wrong on this point: supposing a Canadian domiciled in Canada happened to be resident in England for business or other purposes, you say that Canadian ought not to be in the position of a resident and to conform to the law requiring him to take service here?

Sir GEORGE PERLEY: The Act specially provides that any man ordinarily resident in His Majesty's dominions abroad is exempt from that Act.

Sir JOSEPH WARD: I was going to say that unless something of the kind, which I understand Sir George Perley is asking, was done, the ordinary man coming here as a visitor, for any purpose of business or otherwise, would be called upon to serve although he might not be called upon in his own country to conform to such a law.

Sir GEORGE PERLEY: The point I want to raise is one which has regard to the administration and application of the Act.

Mr. CHAMBERLAIN: I think the Act is quite clear that in the case mentioned by Sir George Perley the man ordinarily resident elsewhere than in the United Kingdom is exempt. I would not use the term "domiciled," which is a technical legal term, but if the man is not ordinarily resident here, and he happens to be here on a visit or for any reason, he ought to be exempt; and it is probably due to a failure in the administration of the Act to distinguish these cases.

Sir ROBERT BORDEN: It is a failure in the administration.

CHAIRMAN: The first exception in the Act is as follows: "A man ordinarily resident in His Majesty's dominions abroad or resident in Great Britain for the purpose only of education or some other special purpose" cannot be conscripted. We have no power over such a man.

Mr. CHAMBERLAIN: It must be some failure in individual cases in administration, and probably the Director-General of Recruiting, if his attention were called to it, would put the matter right.

CHAIRMAN: That has all been done, and the matter has gone further than that, I am sorry to say. General Geddes took a different view altogether.

Sir ROBERT BORDEN: I think if General Geddes or anybody else proposes to say that persons ordinarily domiciled in Canada or ordinarily resident in Canada who happen to be in the United Kingdom shall not be enlisted in the Canadian Expeditionary Force, we must ask him to reconsider his decision.



Mr. MASSEY: That is a new point which has been raised by Sir Robert Borden. In the case of a Canadian resident in England who desires to join the Canadian forces, he should have the option of going into them instead of being compelled to serve in the Imperial Army.

CHAIRMAN: That can only be done by War Office arrangement under the Act; that is the trouble.

Sir ROBERT BORDEN: There is not in the Act, so far as I am aware, anything which warrants the claim that has been put forward by the War Office.

CHAIRMAN: No; it was intended to be carefully avoided.

Sir ROBERT BORDEN: I must make it perfectly clear hereafter that no such claim as that will be accepted for one moment in Canada.

CHAIRMAN: I think the language is quite clear.

Sir GEORGE PERLEY: As far as my arrangements with the Chairman and Mr. Bonar Law on this Act are concerned, the wording of this clause was settled after careful consideration, but there has been some difficulty in the War Office afterwards.

Sir ROBERT BORDEN: It is a situation which will have to be cleared up before I leave the United Kingdom.

Mr. CHAMBERLAIN: I have had some cases where Indians were concerned. We were as much interested as the Dominions in regard to this particular clause. I have had some cases, and I am bound to say that the Director-General of Recruiting or the military authorities have always met me in cases where I thought it was a hardship. I agree with what Sir Robert Borden has said.

Sir GEORGE PERLEY: I wish to say again that I am to meet Lord Derby at 6 o'clock this afternoon. He tells me that he is going to France to-morrow, so that if it is desired to have a discussion on the matter with him present, I do not quite know how it could be arranged.

CHAIRMAN: We shall have to find out about that.

Sir JOSEPH WARD: If Lord Derby could be here to-day at half past 5 we could deal with it and settle it in his presence.

CHAIRMAN: I do not think you could do that. In all probability Lord Derby is prepared to settle it without any discussion here.

Sir ROBERT BORDEN: I do not think it is so much a question for Lord Derby. I understand from Sir George Perley that he has been very reasonable about the matter. It is the action of some of the officials under him of which we complain, and that does not seem to be effectively dealt with through the interviews which we have had in the past. Lord Derby's attitude in itself has been a reasonable one.

Sir GEORGE PERLEY: Perhaps it might be postponed until I have seen Lord Derby.

CHAIRMAN: If we discuss it we should want an official present.

Sir ROBERT BORDEN: We certainly want the official present who is responsible for this.

Mr. ROGERS: Cannot he be brought over now?

CHAIRMAN: Yes, he will be here when you raise it.

Sir GEORGE PERLEY: It might be possible for us to meet again this evening on this particular point, if Lord Derby is going away.

CHAIRMAN: We might have a meeting this evening at 9.0 o'clock.

Mr. ROGERS: If Lord Derby is away, why not bring General Geddes over here now? and we could break off some other subject and deal with it.

Sir GEORGE PERLEY: I am to meet Lord Derby at 6.0 o'clock.

CHAIRMAN: Then we could provisionally arrange to meet again this evening at 9.0 o'clock.

Mr. MASSEY: Why not make up our minds now? It is certain we cannot finish to-day. Is it intended that we should meet to-morrow or Saturday, with the object of finishing if possible?

CHAIRMAN: Yes.

Sir JOSEPH WARD: Then, if Sir George Perley cannot arrange the matter with Lord Derby, he might bring it up to-morrow.

Mr. MASSEY: Lord Derby is one of the most reasonable individuals.

Mr. CHAMBERLAIN: My own feeling about it is, subject to the views of the Dominions, that if they do not get satisfaction in an interview with Lord Derby, the proper course would be to take the case to the Cabinet. I do not understand what is represented to be the War Office attitude. I do not understand how they came to adopt that attitude, and if it be the case that the Secretary of State for War has been unable to carry conviction to the minds of his own officers, we should, if necessary, take it to the Cabinet.

Sir ROBERT BORDEN: I think conviction must be carried to their minds in some way on this subject.

Mr. MASSEY: If Lord Derby gives a direction to his department, surely there is an end of it. Ministers control their departments—we do in New Zealand, any way.

Sir ROBERT BORDEN: I am content to take it to the Cabinet.

Mr. MASSEY: But you will see Lord Derby first?

Sir GEORGE PERLEY: Yes.

#### Control of Meat Supplies.

CHAIRMAN: Then we will resume the discussion on the resolution with regard to meat. Mr. Prothero is here on behalf of the Board of Agriculture.

Mr. ROGERS: Mr. Chairman, yesterday, when the Resolution presented by Sir Albert Stanley from the Board of Trade came before this Conference, a Resolution which was, in my judgment, very proper and very desirable from all points of view—there was a necessity for raising the question of an embargo that has been placed for some years on Canadian cattle coming from the Dominion of Canada. We were asked in that Resolution yesterday to say that, in view of the desirability of freeing "British markets from excessive dependence on foreign organisations which control important sources of supply, this Conference is of opinion that there should be co-operation between the Governments of the Empire to ensure that the Empire should become, as far as possible, self-supporting in the matter of meat supplies; and that the Governments concerned should prepare detailed plans with this object." In presenting that Resolution Sir Albert Stanley pointed out to the Conference that one-third of the meat imported came from the River Plate, and a further one-third from Australia and New Zealand; but he was able to make no mention of beef imported from the Dominion of Canada, and my purpose in bringing the matter up is to draw attention to the fact that this was entirely due to the action on the part of the Board of Agriculture in placing an embargo as against Canadian cattle because of alleged pleuro-pneumonia in a shipment of Canadian cattle to England in the year 1892. Now, as I understand, it was shown conclusively that the allegation was erroneous, and that it was irregular to create the embargo and to put it in force; but later it was made statutory. Since that date I may say, for the information of the Conference, that over 3,000,000 head of cattle have been shipped from Canada and slaughtered on arrival in Great Britain, and no single case of disease has been discovered. Now you can understand that this is a condition which we complain of very seriously, and we have made several appeals with respect to it. Later on we got an answer through his Excellency the Governor-General of that day, Lord Grey, giving us a copy of a letter from the Board of Agriculture, in which it was stated that the experience of foreign countries had shown how suddenly and unexpectedly foot-and-mouth disease made its appearance, irrespective of an efficient veterinary organisation. That goes to show that the Board of Agriculture were not able to support the ground upon which they placed an embargo against all Canadian cattle originally, and shifted their ground in making this statement that in foreign countries



Mr. ROGERS—*cont.*

experience went to show that very suddenly and unexpectedly foot-and-mouth disease could develop. This has had a very detrimental effect in Canada. Sir Albert Stanley brought up yesterday a reference to the activities of the United States and the meat trusts there, who are largely controlling the meat supply of England to-day, as was suggested in the discussion which arose upon this before. They were alive to this same condition in Canada, with the result that the United States immediately removed their duty that was in existence against Canadian cattle going into the United States, and they came over there two or three years ago and purchased all the surplus young cattle that we had and carried them down to the States, with the result that they have disabled in a great measure the cattle trade of Canada. This, of course, intensifies the feeling that a great injustice has been done by the Board of Agriculture as against the Dominion of Canada in respect of the cattle industry, and when this Resolution was presented by Sir Albert Stanley, we felt that it was an opportune moment to bring this matter to the attention of the Conference, in order to see if it would be possible for us to have redress. I may say that our Minister of Agriculture, in a letter on the question, states that our cattle are as healthy as any cattle in the world, and during the three outbreaks of foot-and-mouth disease in the United States, which have occurred since the embargo was placed, Canada has been able to maintain her herds absolutely free from infection. From the point of view of disease, therefore, I feel very strongly that there is every justification for the removal of this embargo. Of course, we naturally argue that this embargo has been placed as a matter of policy by the Board of Agriculture for the purpose of the development of the British live cattle industry. If the Board of Agriculture conceive it to be their duty and to be in the public interest of Great Britain to have a policy of protection of their live cattle industry, then we would have no complaint and offer no objection; but we do seriously complain in that an embargo is placed against our cattle which supplies this protection and carries with it the stigma that they are liable to have pleuro-pneumonia, and, therefore we suffer not only in this market but more or less in the markets of the United States. I think it is due to Canada—and I think this is the proper time when we should ask this Conference—to take some definite action in order that this wrong may be remedied, so that our Canadian cattle shall have the same consideration and be received in Great Britain without having to go through the embargo that has been placed upon them by the action of the Board of Agriculture.

You, Mr. Long, were good enough to suggest that you would like to see present here a representative of the Board of Agriculture when the matter came up, and the discussion on the point was adjourned from yesterday for that purpose. I am glad that the representatives of that Department are here to-day, and if they have any explanation to offer, or any reason why this embargo should be continued in the future, then of course we would like to know it and to understand it in order that we may be able to explain it, at all events, when we go back to Canada, because it is a very very live question and one in which our people take the very deepest interest. Probably you will remember, Mr. Long, that I had this matter up with you some days ago, and you sent me a letter to say "Mr. Prothero suggests, therefore, that further discussion on the matter should be deferred until after the War, when the representations of the Canadian Government can be brought forward for reconsideration." Now, however, the Board of Trade come forward with their Resolution, asking us to lend our assistance in co-operating between the various Governments in helping the meat supplies of the United Kingdom. I assure you that we are very desirous and very anxious to help in every way, and there is no limit to which we are not prepared to go, but we do not like to feel that we are misunderstood or that our cattle industry is suffering from a reputation that never did exist, and a stigma which never ought to have been attached. Therefore, if there is any explanation to be given on the part of the Board of Agriculture, we shall be very glad indeed to hear it.

Mr. PROTHERO: Of course you know in this country we are very panicky about outbreaks of foot-and-mouth disease and pleuro-pneumonia, and you quite correctly state that the case on which the policy was founded dates right back

Mr. PROTHERO—*cont.*

to 1892. I had up the papers which relate to the alleged outbreak in 1892, and as far as I could see it was not a case of pleuro-pneumonia at all.\* The case upon which this embargo was founded—it is not quite correctly stated as an embargo, because cattle are allowed to be landed provided they are slaughtered at the landing—dates right back to 1892. As I say, I had the papers up before me this morning, and I think the papers show that the alleged case on which the embargo was founded is extremely doubtful as to its being pleuro-pneumonia. I also believe that at the present moment and for many years past, as far as I can make out, Canada has been free from the disease in this country, and on those grounds therefore we should receive the present suggestion for the removal of the embargo very sympathetically. As far as I personally am concerned, and so far as the English Board of Agriculture is concerned, after the War is over, of course, because it is not an economical mode of bringing meat to this country during the War to bring over live animals, we should be wise to remove the embargo, and I think for this reason in the main: The home demand for store cattle in the eastern counties has been rather imperfectly met for many years past. On the other hand, there has been a considerable increase in breeding in this country; but if we have, what I think we shall have a large extension of the arable farming in this country, we shall want to increase our store cattle. Of course, your Canadian cattle will come over as what we call "stores," that is to say, they are to be fed and fatted here in England. We shall want a great many more store cattle if we have this great extension of arable farming; we shall want more animals to trample the straw and eat the root crops. At the same time there are signs that we shall not get the same number of store cattle from Ireland as heretofore. You will understand—I do not know whether there is a representative of the Irish Department here—that the main opposition, at least one strong line of opposition, to the introduction of Canadian stores is that the Irishman is afraid that it is going to cut into his trade in store cattle with this country. Well, Ireland is advancing most rapidly in its agricultural development. If we get cattle from Ireland they will increasingly come over here in the form of finished, fully fed cattle. Therefore the supply of Irish store cattle is likely to diminish, and in that case again the fact that we can turn to Canada for store cattle will be of great advantage to us, and I can assure you that so far as the English Board of Agriculture is concerned, we are in favour of the removal of the embargo. We do not believe that there is now, or has been for a good many years past, the slightest ground to exclude Canadian cattle on the score of disease. I do not know—I am afraid you know a great deal better than I do—but any statistics I have seen as to disease in Canada show me that you have been remarkably free from it. That is so, is it not?

Sir ROBERT BORDEN: That is absolutely so.

Mr. PROTHERO: Therefore, that is the answer that I would like to make you. I am afraid I ought to consult the Irish Department, because they may make difficulties, but I do not think they will, because, as I say, the whole development of Irish farming is in favour of the break up of these great grass ranches on which the store cattle were grazed, and from which they were sent over. Instead of that they are adopting the finishing system, upon which, of course, there is very much more money to be made and much more profit agriculturally in other ways to the farmer.

Sir ROBERT BORDEN: Mr. Prothero, may I ask a question purely for information: Is the statute or the regulation which constitutes the so-called embargo applicable to all countries or is it only applicable to certain countries?

Mr. PROTHERO: It is applicable to all countries. I believe it was passed by Mr. Walter Long in 1896.

CHAIRMAN: It was.

Mr. ROGERS: Are you quite sure, Mr. Prothero, that it applies to all countries?

Mr. PROTHERO: I will tell you in one minute for certain. I think it does apply; I mean that it is a broad general principle, but we can remove the restriction in the case of certain countries from time to time. I think that is the case.



Sir ROBERT BORDEN: We appreciate very much your sympathetic attitude with regard to the matter, Mr. Prothero. As to postponing it until after the end of the War, I am not so much impressed by the consideration put forward, because, assuming the absence of tonnage, nothing would come forward in any case until that shortage is relieved. As far as Canada is concerned, I do not want it understood that we desire to interfere in any way with the fiscal policy of the United Kingdom. If it is thought desirable here that the cattle industry should be protected, whether in Ireland, or England, or Scotland, or Wales, that is a matter of domestic concern for the United Kingdom, about which we do not desire to make any suggestion; but what has been felt in Canada, whether rightly or wrongly, is this, that under the guise of a sanitary regulation you have succeeded in carrying out a fiscal policy—

CHAIRMAN: It was said just now that I was responsible for this policy, for advising the Government. It certainly was not that at all, nor did we accept the view (which my friend Mr. Prothero has said obtained twenty years afterwards) that we had not abundant evidence. There was a difference of opinion between your scientific people and ours. Our people held a strong view about it. There was a great agitation in this country about disease, particularly pleuro-pneumonia, and our scientific people differed from yours.

Mr. ROGERS: A Commission was appointed to go into the facts of the whole case, and they decided that there was no ground for the action which was taken.

CHAIRMAN: Your people held one view and ours the other.

Sir ROBERT BORDEN: I think Mr. Prothero has put it very moderately when he says that it was at least a doubtful case. I should say there was not any substantial evidence at all of disease in Canada. There was only one instance adduced, and the experts were divided upon that. We sought an independent investigation outside Canada, and that investigation convinced us that there was absolutely nothing in it, and from that time up to the present not a single case has developed in Canada so far as I am aware, whereas numerous instances of disease have developed in the United Kingdom during that time. As far as sanitary regulations are concerned, there would be far more reason for us to put an embargo against British cattle coming to Canada than there would for Great Britain to impose an embargo upon Canadian cattle coming here. Whether rightly or wrongly, the impression does exist in Canada, that it was more the carrying out of a fiscal policy than the enforcement of a sanitary regulation. I know that view impressed itself upon the members of the late Administration, and we are not free from it ourselves.

CHAIRMAN: Sir Charles Tupper held that view.

Sir ROBERT BORDEN: Yes, and the members of the late Administration held that view; the Canadian Minister of Agriculture I am quite sure held that view. If it is desired to protect the cattle industry in the United Kingdom, let it be done; that is a matter of domestic concern; but do not accomplish it by the enforcement of a regulation which casts an undeserved slur upon conditions in Canada.

I am sure we are all very much obliged to Mr. Prothero for the sympathetic consideration he has given to the subject, and, as it is a matter of sentiment with us as well as a matter of material consideration, I hope it may be possible for him to reach the conclusion that it is not necessary to await the termination of hostilities before taking action for this purpose; but that, of course, is for him to decide. I only offer a strong suggestion along that line.

CHAIRMAN: Of course you could get publicity given to the thing by having a question asked in the House of Commons, without passing any statute. As far as I am concerned, as my name has been brought into it I can only say that I entirely agree with Mr. Prothero's policy. I think the time that has elapsed has shown that Canada has had a complete and clean bill of health during that time. I am not concerned to defend my share of the policy, though I was personally responsible as Minister, but it is fair to my advisers at that time—I am sorry to say I am afraid they are no longer alive even—to say that they disagreed with the advisers of the Canadian Government. Sir Charles Tupper was Minister for Agriculture, I think.

Mr. ROGERS: No, he was the High Commissioner.

CHAIRMAN: Perhaps I mean his son.

Mr. ROGERS: He was never Minister of Agriculture. It was Sir Charles Tupper, the High Commissioner, who took the matter up and took a deep interest in it.

CHAIRMAN: That is our old friend who died the other day.

Mr. ROGERS: Yes.

CHAIRMAN: No, I mean another Tupper, one of the sons. I thought he was Minister for Agriculture. He came over here, saw Mr. Joseph Chamberlain, Secretary for the Colonies, and then came to see me. There was a difference between the technical experts on both sides. In Canada they held that there was no justification; whereas our experts took the opposite view, and they held further that as it was possible for cattle to pass from the United States of America into Canada and they frequently did pass, and as in the United States there was risk of disease, they ought to be fortified here. That was the view that prevailed, and it was really a case for the experts, who were not fiscal reformers at all; they differed, and we followed our experts. I think, however, subsequent experience has shown that Canada has an absolutely clean bill of health.

Mr. ROGERS: Yes, and we had it even in that case. They slaughter them now at the dock immediately they arrive.

Mr. PROTHERO: There is one point I might mention. I think, if I might use a slang phrase, we were rather "jumpy" at that time about cattle plague, because just before 1896, when this new legislation was made, we had been bringing in cattle from Argentina, and on the voyage a whole shipload of cattle were discovered to be actually suffering from foot-and-mouth disease. That was no doubt one of the reasons why we made this more drastic alteration, but we could, not by legislation but merely by an order of the Board of Agriculture, put Canada into the free list to-day.

Mr. ROGERS: Then for Heaven's sake why do not they do it?

CHAIRMAN: I think that is not so. I have not looked into this thing for twenty years, and I think that that was exactly the sin I committed from the point of view of Canada. I think before the passing of the Act to which we are now referring of 1896, you could do this by Order in Council. At that time, as Mr. Prothero has said, there was the gravest apprehension here with regard to our cattle industry. It was extremely important to our English cattle-breeders to increase the number of cattle in the country. We had from the year 1865 or 1866, right away down to the nineties, a succession of outbreaks of various diseases, foot-and-mouth and pleuro-pneumonia, and the demand of the cattle-breeders in this country was that they should be protected against disease, however slight the risk might be. That was a demand which was backed by experts. That was the real history of it. I think that removed from the Board of Agriculture the power to put countries on the free list. I think you will find that you will have to repeal the Act of Parliament, but I speak subject to correction.

Mr. PROTHERO: I am afraid I have not looked at the Act on this specific point. I was not quite sure what point I was supposed to address myself to, but I will look into it, and if we do take any action I do not see why it should not be taken at once, especially if we cannot put it into operation until after the War is over.

Mr. ROGERS: How do you mean, you cannot put it into operation?

Mr. PROTHERO: Because there are no ships.

Mr. ROGERS: We do not object to that, but remove the stigma against us from which we are suffering. You have driven us into the United States market, and now Sir Albert Stanley comes here and complains of the conditions that you suffer from by reason of the American trust. All our cattle go to that American trust, and you get them indirectly, and we are made the sufferers, and therefore we are not able to share in this Resolution.



Mr. PROTHERO: I quite understand that; it is one of the things we had to discuss on a Committee on which I was sitting last October. We hoped you were going to have your own stations.

CHAIRMAN: However, now the position is that the restriction is to be removed, and the Board of Agriculture will take such steps as are necessary for this purpose, but upon the understanding that, there being no tonnage, there cannot be any arrivals.

Mr. ROGERS: I do not want to have any understanding about it. If there is no tonnage, that follows.

CHAIRMAN: No, I do not want it to be a misunderstanding.

Sir ROBERT BORDEN: It cannot become effective because there is no tonnage.

CHAIRMAN: We cannot do it; I am quite sure that the Shipping Controller would stop it at once, and he would say, "We cannot let live cattle come because they take up too much room."

Sir ROBERT BORDEN: We perfectly understand that.

Mr. ROGERS: Yes, but still, we do not want to be placed in a false position. This is an old sore and an old grievance, and now is the proper time to have it cured, because the facts are all in our favour.

CHAIRMAN: The Minister of Agriculture has undertaken to do it.

Mr. ROGERS: Do not you think we should have a Resolution about it?

CHAIRMAN: You do not want a Resolution, do you—or if you like you can simply move that the embargo on Canadian cattle be removed as speedily as possible.

Mr. ROGERS: I beg to move that.

CHAIRMAN: Mr. Prothero accepts that, and there is an end of it.

Mr. HAZEN: I think as we have a statement from the President of the Board of Agriculture that this restriction will be removed, and that he does not see why it should not be done at once, we might leave it there.

Sir JOSEPH WARD: Another thing is, we are right in the middle of a discussion on a topic which is not finished.

Mr. MASSEY: Does this embargo apply to Canada only, or to all overseas countries?

CHAIRMAN: All overseas countries.

Mr. HAZEN: You do not ship cattle from New Zealand; it is too far.

Mr. MASSEY: They did ship cattle from Australia, but we never ship them from New Zealand.

CHAIRMAN: Now we can resume the discussion on the Board of Trade Meat Resolution.

General SMUTS: I propose that we adopt the Meat Resolution without further discussion.

CHAIRMAN: We have had our discussion. May we now adopt it?

Mr. ROGERS: Could not you make that Resolution to apply to all food products instead of to meat alone?

General SMUTS: No, the Resolution as to meat stands by itself.

Mr. HAZEN: What objection is there to saying "should become as far as possible self-sufficing in the matter of meat and all other food supplies"?

Sir ALBERT STANLEY: I think Sir Robert Borden's Resolution deals with the question generally.

CHAIRMAN: We have already passed that.

Mr. HAZEN: Sir Robert Borden's Resolution really deals with the meat question.

Sir ALBERT STANLEY: I think meat is a very urgent matter, and requires special consideration.

Mr. MASSEY: I do not think we ought to weaken it. I support it heartily.

CHAIRMAN: Sir Robert Borden's Resolution covers it really, but this is a special subject dealing with meat, which the Board of Trade want to deal with in a particular way; that is all.

Mr. HAZEN: Would it weaken this Resolution by saying "in the matter of meat and other food supplies"? the emphasis is still on the meat. I would ask Sir Albert Stanley's consideration to that. I do not think it would weaken it myself, and at any rate I would suggest adding the words "other food."

Sir H. LLEWELLYN SMITH: We have already dealt with food, generally, in Sir Robert Borden's Resolution. This Resolution contemplates particular foreign organisations. I am afraid that by broadening the basis of this Resolution you might almost whittle it away.

Mr. CHAMBERLAIN: This Resolution deals also with particular foreign organisations in a particular trade.

Mr. MASSEY: It deals with a particular difficulty.

Mr. ROGERS: I am prepared to support it, seeing that we are having our embargo removed.

CHAIRMAN: Then may I put the Resolution?

Mr. MASSEY: I would only like to say one word, because I have said a good deal on this subject already at different times. But at the commencement I would like to say that I heartily support the motion, and as a matter of fact, when I looked at it first, I was not sure that it was not my own draft, because it agreed so entirely with the ideas I had held for some time. We are interested in the matter to this extent, as it is one of our biggest industries, that last season we exported from New Zealand 366,027,030 lb. of meat. We export now—I do not know whether it will continue—from New Zealand more meat than any other country of the Empire. The Government have encouraged it and have done all they possibly could to assist the meat industry, by pointing out to the producers that there was a practically unlimited market an account of the War, and it was their duty to provide all the meat that they possibly could, because it was such an important article of food, not only for the armies of Britain and the British allies at the front, but also for the population of the United Kingdom. We have met, I am bound to say, with very satisfactory response. I do not think I need to enlarge upon the discouragement that our producers have received at the present moment by not being able to get their meat shipped to Great Britain as they intended. That is the general position we are in. We prohibited the export of meat to any other country except Britain; I want that clearly understood. Then comes along the Shipping Controller, and takes away a number of our ships, and in the meantime the meat is left in the hands of the producers. I had a cablegram from the acting Prime Minister of New Zealand not many days ago to the effect that there was in store there over 2,000,000 carcasses of meat, and before the end of May provision would have to be made for another one million-and-a-quarter carcasses, making three million and a quarter carcasses. I need hardly say that the position is looked upon with a very great deal of anxiety by the people of New Zealand, because it is affecting them very seriously. If that position continues, instead of being able to pay everything in connection with the maintenance of our forces at the front, we shall presently have to ask in England for another loan, which we shall not be able to get in our own country. That is one difficulty. I hope and trust that it will not be so bad as that, but it is one of our difficulties. I want, however, to come to a particular point. I mentioned yesterday, when speaking of the proposals with regard to income tax, the position at the present moment is that the American meat trusts are rapidly gaining control of the meat supplies of the different parts of the world; there is no question about that. I am sorry to have to say it, but the legislation of the British Government is assisting them very materially in that direction. I know it is not intentional, I know that perfectly well, but it is doing it. There is only one British firm which up to the present time has been able to stand up against the meat trusts and compete with them successfully, and I believe that firm would continue to compete with them successfully, but circumstances are against them. I happen to know (and I am going to quote some figures,



Mr. MASSEY—*cont.*

which I had not with me yesterday, to show the position), that that firm would have continued to compete successfully with the American meat trusts if it were not interfered with. Now this is what is going on: I am going to quote from a letter which was addressed to your then Chancellor of the Exchequer on the 29th September 1915. Members of the Conference will understand that the position is very much worse now. I am sorry to say I have not the figures up to date, but this firm deals with produce bought abroad and sold abroad, from which most of their income is derived; I want to impress that point upon the Conference. It is meat bought abroad and sold abroad. The firm has to pay on every 100*l.* of their profits of ordinary income, 17*l.* 10*s.* to commence with; the super tax at that time—very much increased now—was 17*l.* 10*s.*; death duties 13*l.*, making altogether 48 per cent. on every 100*l.* of income in 1915. Compared with that, their competitors were absolutely exempt on all those points.

Sir JOSEPH WARD: What about death duties in their own country?

Mr. MASSEY: People who live in America cannot be called upon to pay death duties in England.

Mr. HAZEN: They have such duties in some States, but not in others, I believe.

Mr. MASSEY: I believe that 13*l.* put down against death duties is rather weak, but that is the law as far as this country is concerned.

Mr. CHAMBERLAIN: Not annually.

Mr. MASSEY: Certainly not.

Mr. CHAMBERLAIN: Death duties are never collected from a firm; they are collected on the death of an individual, and the amount that is collected, the percentage that is collected, depends upon his fortune. If the amount collected was thirteen per cent., a man had a fair modicum.

Mr. MASSEY: That is a matter for the Chancellor of the Exchequer. As I said, the mention of death duties is rather weak; I am only giving the figures which have been given to me and which were supplied to Mr. McKenna. Then we come to another head, excess income, the tax upon which paid at that time by this firm was 50*l.*; income tax, 8*l.* 15*s.*; super tax, 8*l.* 15*s.*; and then again there is the mention of death duties, which I think should be omitted, because I do not think that can be considered. Under none of these headings do the American meat trusts which are handling so much British meat now, pay anything.

Sir ROBERT BORDEN: They do not pay anything here, but I suppose they pay taxes in their own country.

Mr. MASSEY: But do they?

Sir ROBERT BORDEN: I suppose so.

Mr. MASSEY: It is quite certain they do not pay the super tax or the excess tax.

Mr. CHAMBERLAIN: Under the law they ought to pay income tax on the profit which they make here, but whether they do or not, I do not know.

Sir H. LLEWELLYN SMITH: Under the Finance (No. 2) Act 1915?

Mr. MASSEY: They cannot be compelled to pay income tax in England on profits made from meat sold to the British Government or British firms if the business is done abroad. In the case of produce bought abroad and sold in Great Britain, such as what is bought in the Argentine, where the British firm does a very large share of the business, they are asked to pay income tax 17*l.* 10*s.* again, and super tax 17*l.* 10*s.* Those are the three heads, and apparently their competitors, who are driving them out of the business, are compelled to pay nothing. Well, it is an unfair position, and if it lasts I am quite certain we are going to get into very serious difficulties with regard to our meat supply. The meat trusts have obtained a footing now and are doing a very good business in the Argentine and in Australia.

Mr. MASSEY—*cont.*

They have obtained a footing in New Zealand, and according to the latest accounts that have reached me—but the names are not given—they own four large establishments in our Dominion; I do not know as a matter of fact which establishments they are. They have commenced with their usual tactics, by giving a higher price than the British or New Zealand people can afford to give. That will not last; there is no question about that. As soon as they have done away with competition, they will pay exactly what price they like. In our case the Government will step in, and I do not think the New Zealand Government or New Zealand Parliament will allow unfair competition if they can possibly avoid it. Then you have got them here. I was through the country the other day, and I could not help being struck with the number of shops on the sign-boards of which I saw the names of American firms. There must be many hundreds of shops in the United Kingdom controlled by these American firms. I have no hesitation in saying that if the meat salesmen doing business here do not get some protection against what is being attempted, you will have the whole of the meat supply of the United Kingdom controlled by people who are not citizens of the United Kingdom, but who are very keen business men, and are out to take advantage of every opportunity that offers. That is the position with which you will be faced, and I am glad to have the opportunity of explaining it from our point of view, and I do trust that something will be done to give effect to the Resolution which has been brought up by the Board of Trade.

Sir ROBERT BORDEN: I entirely agree that the American meat trust is a very powerful corporation, and great outcry has been raised against it in the United States itself. Innumerable instances have been given of how it has crushed out competition in the American towns and cities, and even villages. I am alluding not to matters within my personal knowledge, but to statements I have seen in American periodicals. I do not quite gather, when Mr. Massey alludes to taxes, just what it is that he bases on it or what he suggests with regard to it.

Mr. MASSEY: I say that if these figures are correct (and they are official figures which were supplied to Mr. McKenna when he was Chancellor of the Exchequer) it must be apparent to any one of us that no firm can stand up against it. That firm must go out of business; there is no question about it. I know this firm and at the present moment they are making enquiries with a view either to removing their headquarters to the United States, or joining with the American trust and becoming one of them. I say it is not in the public interest that anything of the sort should happen.

Sir ROBERT BORDEN: What do you suggest is the remedy for that condition of affairs?

Mr. MASSEY: One of the remedies I think will result from the enquiry which is going to be made, and the action taken by the Board of Trade, and another remedy is in the hands of the Chancellor of Exchequer, by adjusting that double income tax to which we referred yesterday.

Sir ALBERT STANLEY: I think Sir Robert Borden and Mr. Massey have made very powerful speeches in support of the Resolution.

Sir JOSEPH WARD: I had not finished my remarks upon this subject when we concluded our sitting on the last occasion, and I propose to go on from where I left off. This matter has been so ventilated at the Conference that it is unnecessary for me to re-emphasise the importance of dealing with it if we can do so. I expressed the opinion yesterday, and I re-affirm it to-day, that there is only one way in which there can be a remedy applied to remove what is admitted to be a difficulty by every section of the community in our country, who have been watching the course of events in connection with this huge powerful business organisation controlled by an American Trust, and that remedy is at this end. We can help in our country, but we cannot remedy it by action in our country alone; that is, in my opinion, impossible. The whole difficulty connected with the control of meat and the price of meat and the retention of the legitimate business people



Sir JOSEPH WARD—*cont.*

engaged in the meat trade in New Zealand, or in any of the other Overseas Dominions who are exporting chiefly mutton and lamb, is this: The owner of beef, of which about sixty per cent. more than of mutton and lamb comes to this country, is the important factor. That important factor is used by the trust to enable them to pay a higher price for mutton and lamb, because they are the chief suppliers of beef to the buyers of beef, mutton, and lamb. They may make a loss upon mutton and lamb, and make their complete profit upon beef from the people who buy mutton and lamb from them. I am of opinion that there is only one power in this world that can control it and put it right, and that is the British Government. I am satisfied it cannot be done at the other end, because meat may legitimately come through the hands of British firms, ordinary firms, direct from the sheep grower in New Zealand without going through any American firm at all, and if this organisation purchases it either on the way to England or upon its arrival in England, they control it just as effectively and finally here as if they bought it in the first instance out and out from the grower. The only place where you can effect a remedy which is worth anything is at the place where the meat is going to be sold. I do not believe there is any organisation here that can get up alongside of concerns like this American meat trust, that passed 250 or 260 millions sterling worth of meat through their hands last year, and the only power which is competent and big enough to do it is the Government of this country, where alone the solution of the trouble can be effected. I have not the slightest hesitation in saying that in New Zealand the Government and the Parliament will do all in their power to co-operate in finding a solution of the difficulty, but in practice it is utterly impossible to settle it at our end by ourselves. This organisation has this extraordinary advantage, compared to the ordinary business firm or the ordinary meat salesman or company, as the case may be, that they are able to offer a higher price in our country than the ordinary man for the reason that they are making a large net profit on their business because they are controllers of meat from the Argentine and possibly other parts too. Very nearly two-thirds of the meat imported into this country last year was under their control. I said yesterday that 460,000 tons of meat was the quantity imported into England last year, and there is only 200,000 tons of mutton and lamb imported; therefore the excess of beef is 260,000 tons out of the 460,000 tons; so that about sixty per cent. is in the hands of this powerful meat trust, and it has put them in such a position that in the course of time they may drive the ordinary business firms clean out of the meat trade in New Zealand, and will then be in a position of having the right to fix any price they like as far as the sheep grower is concerned. If they control the trade at this end as they do now through beef, and they control the mutton and the lamb, it is unquestionable that they are going to be able to control the price in our country; so that one of the difficulties out there is that if an agent or a representative of this big concern—and there is certainly one in each of the towns of New Zealand now—offers an ordinary meat firm one-sixteenth, one thirty-second, or one sixty-fourth part of a penny higher than any local man can give, the local meat agent is bound to sell at the highest price he can get, whether to an American or any other firm in any country in the world; he cannot return to the man for whom he is acting a price lower than he can get from anybody else in the market. The result is that an incentive is held out to the meat grower in the meantime to take the highest price, and perhaps by doing that for a period of years, one, three, five, or ten, he will be helping by degrees to establish a position whereby a great concern will effectually drive the others off and become a great monopoly in the country, and will rule the whole prices from end to end of New Zealand. That is what they are afraid of in our country. Those who are engaged in the trade, and those who are sheep growers, are all afraid of this very powerful concern getting into the position of controlling the whole of the meat throughout the country, until the time comes when they will control the prices all over New Zealand. I am of the opinion that the only place where it can be put right, if it can at all, is in London, and that the only power that can do so is the British Government.

CHAIRMAN: Then I will put the resolution:

"In view to the extent to which the United Kingdom and certain other parts of the Empire are dependent on Oversea supplies for meat, and of the

CHAIRMAN—*cont.*

desirability of freeing British markets from excessive dependence on foreign organisations which control important sources of supply, this Conference is of opinion that there should be co-operation between the Governments of the Empire to ensure that the Empire should become as far as possible self-sufficing in the matter of meat supplies; and that the Governments concerned should prepare detailed plans with this object."

[AGREED.]

#### Control over Imports and Exports of all Commodities.

Sir ALBERT STANLEY: Unless there is to be another meeting of the Conference in connection with the Board of Trade matters, there is one subject I should like to raise for discussion, if this is the time to do it. As you will remember, arising out of the memoranda prepared by the Board of Trade, we did raise a discussion on the question of having some control over the importation and exportation of all goods originating in or destined for all foreign countries. Definite action on this suggestion was deferred because the members of the Conference desired to discuss at the Imperial War Cabinet the Paris Resolutions. Since then certain Resolutions have been passed at this Conference which really have some bearing upon this question, but I doubt whether they are in themselves quite complete. It seems to me that we should consider whether it is not desirable for any of the Governments, by legislation if necessary, to secure that there should be some control over imports and exports.

General SMUTS: A Resolution against dumping has been passed.

Sir ALBERT STANLEY: Yes, but this suggestion goes a little further, and applies, not only to enemy countries, but to all countries.

Mr. MASSEY: You are referring to the transition period after the War?

Sir ALBERT STANLEY: Solely to that period. At present we can, during the War, secure a partial control over the imports and exports, but it is very doubtful whether we could legally continue that restriction when the War comes to an end, and, therefore, it may be necessary that we should by legislation continue these powers during what is known as the reconstruction period. Memoranda on the subject were tabled and discussed, but no definite understanding came to pending the decision of the Imperial War Cabinet.

CHAIRMAN: There was a draft Resolution drawn up by the Board of Trade: "That it is advisable that the Governments of the Empire should forthwith obtain legislative powers to enable them to exercise control for a period after the War over the importation and exportation of all or any classes of goods originating in or destined for all or any foreign country."

Mr. MASSEY: With regard to that, I sympathise with it, and as far as our country is concerned, in all probability we shall do something in that way. I do not think it is any breach of confidence if I say that this very subject came up to-day at the Imperial War Cabinet on something that I said, and the Prime Minister expressed the opinion that we were going to have very serious difficulties without something of this sort, but it was not advisable to go any further at present. I am not repeating his exact words. On that account I am not prepared, and, in view of what has been said on some of the important Resolutions that we have passed at the Imperial War Cabinet, I doubt if it is advisable, to make the present position even a little more difficult than it actually is.

Sir ROBERT BORDEN: We did pass a Resolution at the Conference about importation.

CHAIRMAN: Yes, but not about exports.



General SMUTS: We passed a Resolution to take legislative powers about dumping.

Sir ALBERT STANLEY: That is only from enemy countries.

General SMUTS: If this were to come out, our position would be more difficult.

Sir ROBERT BORDEN: What is the precise object of the proposed Resolution?

Sir ALBERT STANLEY: Only that we should have control over all our exports and imports, so that we can have time to re-establish our industries immediately following peace. During the War we can secure it, but it is very doubtful whether we could do it during the reconstruction period. It may be that legislation would be necessary to continue our powers if there is to be complete freedom of action, and at the moment the resolution only deals with imports from enemy countries, and not with the question of conserving our own resources or re-establishing ourselves and our allies during the reconstruction period.

Sir JOSEPH WARD: My sympathies are with this draft Resolution, Sir Albert, but I want to point out the difficulty in which this would place us in New Zealand. As a matter of fact, if the War is going on when we get back to that country and Parliament is sitting, and we go to the House with legislation on this matter, it will be no light task in our country. It presents a difficulty in letting enemy countries and neutral countries whose sympathy is not with us know now that we are going to take our own course, even under legislative enactment, to prevent—and I think rightly so—trade going on with those countries which have either been enemies or which have not been particularly friendly, as the case may be. One of the difficulties which confronts us all through the piece is that if the Resolution came out before the peace it would hold out a strong incentive to our enemies to go on fighting, on the ground that we were determined to put them down commercially as well if we get a thorough victory.

Sir ROBERT BORDEN: This Resolution is not directed against enemy countries alone, but against all countries.

Sir JOSEPH WARD: The enemy countries are in it, and it would apply in a worse way, so far as our allies are concerned, sentimentally.

Sir ROBERT BORDEN: So far as I am concerned, I am really not impressed with the necessity or desirability of passing a Resolution of that kind. I cannot at the moment see the importance of it so far as our Dominion is concerned.

Sir ALBERT STANLEY: But you have done it, Sir Robert, by the Resolution already passed so far as metals are concerned; that is dealt with by way of Resolution and this only carries it a step further, in order to secure to the Empire such essential materials as are really necessary for reconstruction. It seems to me to be necessary to be done in some form.

Mr. MASSEY: We have done it for the War period.

Sir ALBERT STANLEY: Yes, but not for the reconstruction period.

CHAIRMAN: Germany has discussed this, has she not?

Sir ROBERT BORDEN: I think we should be prepared to take any step which might be necessary to conserve the resources of essential importance for national purposes; indeed that is alluded to in the Resolution which I drew up.

General SMUTS: And which has been passed.

Sir ROBERT BORDEN: And which has been passed. It seems to me, if we pass this Resolution, which is so comprehensive that it applies to all countries, it might create an impression which would really not be justified by any actual intention. The impression created by it, and the apprehension it would excite would greatly exceed any actual intention on our part, so far as neutral and allied countries are concerned.

CHAIRMAN: The German Government appear to have done this. In a report which I read the other day, and which perhaps some of my colleagues may have seen, it gives the steps taken by the Government, as reported in the "Vossische-Zeitung," on 25th July 1916: "The appointment of Doctor Sthamer as the Imperial Commissioner for the transition from War to Peace Economy." He is to regulate the import of goods and their distribution according to the instructions of the Imperial Chancellor; to investigate all business correspondence, books, &c., and to investigate warehouses, &c. Apparently he is to have very drastic powers. What they have done appears to be very much in the same direction as Sir Albert Stanley puts forward.

General SMUTS: Yes; but you see that is rather with the other idea of so regulating imports into Germany that the industries and factories may be properly fed.

Sir ALBERT STANLEY: For internal administration.

General SMUTS: That, I think, is a good idea, and that is the sort of thing we ought to do in this country.

Sir ALBERT STANLEY: Yes; it is internal administration of resources.

General SMUTS: Yes. With regard to the other questions, I think Sir Albert Stanley will agree that it is so serious a Resolution to pass now, its scope being against everybody, friend and enemy alike; that is the sort of Resolution I think which ought to stand over to the very end, and the British Government should then get into touch with the Dominions.

Sir ALBERT STANLEY: By cable?

General SMUTS: Yes. If it were passed now, and it were to leak out, it would create a very difficult position. One never knows what may get out, so I think a question like this which may or may not become very pressing and important, should stand over to be dealt with by the Government when the time arises.

Sir ALBERT STANLEY: I should quite agree with that as long as we understand what we have in mind.

CHAIRMAN: The President of the Board of Trade intends his Resolution just to indicate what we have in mind, but on General Smuts' suggestion it will stand over.

#### Imperial Preference.

(See pp. 114-115 of [Cd. 8566].)

#### Publication of Proceedings.

CHAIRMAN: The next subject on the paper is Medals. The Adjutant-General is not here, but he has been sent for and will be here in a minute or two. In the meantime, would you care to discuss a memorandum which I have prepared about the publication of our proceedings. I do not know that we can fully discuss it now, but I have put forward some suggestions which I promised to make to the Conference as to what should be published in the Blue Book and what should not be published. I draw your attention to it, and then we can discuss it at our next meeting.

Sir JOSEPH WARD: I suppose the general principle applying would be that anything that was not of benefit to our enemies and which was not confidential would in the ordinary way be published.

Mr. CHAMBERLAIN: I have not yet seen your notes, Mr. Long, but the Maharaja is anxious that, whatever is published, there should be included in it the statements as to the Crown, which were made by the Dominion Ministers and other representatives in the course of one of our discussions.



## Imperial War Cabinet.

Mr. MASSEY: When Sir Robert Borden's Resolution came up before the Conference for decision, I said I would propose something, but, as I did not want to delay the proceedings then, I deferred it. It was this, that before the Conference comes to an end, we should express our appreciation of what has been done by way of arrangements for the Imperial War Cabinet, and also express the opinion that the Imperial War Cabinet should continue to exist, whether the Dominion representatives are in London or not, until the Conference which was proposed by Sir Robert Borden's Motion meets, and until its recommendations come into operation. If that is not done, it appears to me that we shall lose our grip of the very important advance which has been made in giving representation to the Dominions, and I do not think we ought to do that. I know the constitutional position very well, that the Prime Minister for the time being has the whole matter in his hands, and I believe he would be willing, and indeed anxious, to comply with our wish if we expressed a wish to that effect, but the people we represent will look upon it that we have lost some of the ground gained if something is not done in the way I suggest. I mention it now in order to get the opinion of the members of the Conference as to whether it ought to be brought up here or at the Imperial War Cabinet. If it is brought up at the Imperial War Cabinet, I am inclined to think it would be placing the Prime Minister in a somewhat awkward position; but, if we discuss it here and come to an agreement in regard to it, we are simply handing him a Resolution, and then he can do exactly according to the dictates of his own judgment.

Sir ROBERT BORDEN: I should not care to pass a Resolution here which would not afterwards be carried out. It would seem desirable that the Chairman of the Conference should see the Prime Minister on the subject and ascertain what he has in view, and whether he proposes to make a public statement on the subject.

Mr. MASSEY: That would be quite enough for me.

Sir ROBERT BORDEN: There is a certain incongruity in our passing a Resolution on the subject, perhaps, because it is a policy which was initiated by the Prime Minister himself, and it might not be entirely appropriate that a Resolution of the Conference should be passed under the circumstances.

Sir EDWARD MORRIS: I must say I rather take that view too. I think the principal value of this present Imperial War Cabinet is, that the invitation came from the Imperial Government, and if we appear now to be looking for a further connection by making this more permanent, it will lessen the imperial value if the Motion comes from the Imperial War Conference. So I think Sir Robert Borden's suggestion is a very wise one, that it be left to Mr. Long as to the desirability of the matter being left for the British Cabinet to decide now what further steps should be taken. You remember we are merely here on their invitation at present.

Mr. MASSEY: It is far more than that. We are here as representing important Dominions of the Empire.

Sir EDWARD MORRIS: Yes, but on their invitation.

Mr. HAZEN: We would not be here except upon that invitation.

Mr. MASSEY: One part of that is right, but not the other. I would agree with the suggestion to leave it to Mr. Long to consult with the Prime Minister and advise us later on.

CHAIRMAN: I shall be glad to do that in conjunction with Mr. Chamberlain, who, I am sure, will join with me in conveying to the Prime Minister what has passed here to-day, that there has been this general talk.

General SMUTS: Yes, but you must not assume that this is the general wish.

CHAIRMAN: No; I shall say just what has happened upon it.

General SMUTS: Because there is a very much divided opinion on the subject. I have already told Mr. Massey on another occasion that I think it is a mistake to raise the question. We are specially invited, which is a great honour we duly appreciate, but it would be going very far indeed for us to suggest that we, having been invited for a special purpose, should now remain.

Mr. MASSEY: I am not suggesting that we should remain. Whatever happens I am going home to my own country; I cannot possibly remain. It is more than an honour; it is a privilege that has never been granted to the Dominions on any previous occasion, and it is a strengthening of the ties which unite the different parts of the Empire which has never been contemplated until within the last few months. Nobody appreciates it more than I do, but I do not want to allow any weakening to take place if I can possibly avoid it.

CHAIRMAN: I think we know what to convey to the Prime Minister. The Adjutant-General is now here, and perhaps he will tell us what further he knows about the medal question.

## War Medals.

Sir NEVIL MACREADY: After the last Conference, when a great desire was expressed that the feelings of the Army in France particularly should be ascertained, an endeavour was made to get a Conference over there representing the whole of the Army, including in it, of course, the Dominion troops, the Indian troops, and so on, but this was impossible on account of the operations that were going on. I have therefore sent over to the Adjutant-General there full notes of what has taken place on this side, and what everybody's opinions were. The idea is to get this Conference as soon as operations will allow, in order that the Army Council may find out the feelings of the Army in respect of this question of the clasps in particular. That is the main point. I propose to go over myself to answer any questions they may want to put and to bring back the feeling of the Army on the matter. I may say quite straight out that the feeling of the Army there, as far as we are able to get at it from the remarks of generals and so on, is very much on the lines taken round this table, and that is, that the clasp business should be reconsidered on the lines which have been spoken about, namely, in reference to battles. Of course the Army Council will not take up a wooden attitude on the matter, but will endeavour to meet the general desire, on the understanding, however, that while we shall do our best to get the issue made as quickly as possible, all complications will add to the time it will take to issue the medals. Only to-day, curiously enough, I was discussing the question of their manufacture, and it appeared—a thing I did not know before—that according to the design of a medal so the time taken to issue it will vary. A medal which only requires three "strikes," as it is called, takes only about two-thirds of the time or less than a medal which requires five "strikes," on account of the more elaborate design. Those are all points which will run into months when you come to the question of the issue.

Mr. MASSEY: I think the main question discussed was not whether there should be a medal or clasp for every battle, because I understood the opinion expressed was that that was impossible.

Sir NEVIL MACREADY: We think so here.

Mr. MASSEY: What I wanted to urge on the military authorities was that there should be special recognition for Gallipoli. I know I took a great part in the discussion on that first occasion, and since then there has been circulated to us a communication from Australia, which I did not inspire and had nothing to do with, on exactly the same lines, that is to say, Australia is also strongly desirous of special recognition for Gallipoli. I do not think it is a breach of confidence for me to say that Lord Derby expressed himself to me in the same direction. I want to see as much recognition as possible for our soldiers for every theatre of war, but I know perfectly well that if we attempt too much the whole thing will fail.

Sir NEVIL MACREADY: You stick to that rightly and naturally, but immediately you bring that in, you have other aspects to consider as regards other operations.

Mr. MASSEY: Yes, quite so, and so far as I am concerned I do not want to shut them out.



Sir GEORGE PERLEY: You did not understand from Lord Derby that he would be in favour of Gallipoli unless the other theatres of war were also included, did you? I understood you to say that Lord Derby intimated he was in favour of a clasp for Gallipoli.

Mr. MASSEY: Yes, but he did not say he was not in favour of a clasp for the others—certainly not.

CHAIRMAN: Apparently you cannot carry this any further, until we get the reports from the continent, and the information that the Army Council have got seems to accord with what happened here; but there are two questions on which the Adjutant-General would be glad to have a decision if the Conference are prepared to give it—one is whether there should be two medals or one, international and British—and the other whether the medal shall be in silver, which adds very considerably to the cost.

Sir NEVIL MACREADY: Working it out roughly, ten million medals in silver at the present rate of silver would cost 1,700,000*l.* The Continental countries have medals in white metal.

Sir JOSEPH WARD: Personally, I am very glad to hear the opinions of the generals and officers out there who are, I understand, voicing the wishes of the men that there should be individual recognition, from the point of view of a battle, by a medal marking a particular battle. I want to put this case to General Macready while he is here: In the case of a man who has gone through Gallipoli and been at the front in various battles and who may be at the moment on the Western front and finally comes out of the whole of them successfully, cannot there be some way of ascertaining from a man who has been through the war under those conditions which of the fields of battle he would prefer a medal for? I do not think the responsibility ought to be upon an officer of saying what particular medal by way of recognition of services rendered at one of those great battles should be commemorated hereafter, but the man himself, who has been at more than one battle, should have the right to say which he prefers to have. There are many men who have been at Gallipoli and elsewhere who might express a wish that Gallipoli should be the struggle commemorated. I want to see Gallipoli perpetuated and the men who survived it recognised by a medal, naturally.

Sir NEVIL MACREADY: Not a clasp?

Sir JOSEPH WARD: A medal and a clasp too, whatever is decided upon.

Mr. MASSEY: There must be one general medal for the whole campaign; there is no getting away from that. Then do you suggest there should be a special medal for Gallipoli in addition?

Sir JOSEPH WARD: I understand the officers who have been seen by General Macready—generals and others, who have conveyed the opinion of the men who are out there—say that they would prefer to have a medal for every battle.

Sir NEVIL MACREADY: No, not a medal but a clasp. The medal question never arises. The question of one international medal, I take it, is a matter on which the Conference will come to a decision.

Mr. MASSEY: That is settled.

Sir NEVIL MACREADY: That is one of the things upon which the Conference will come to an opinion. Then there is the British medal.

General SMUTS: I thought we had passed the principle of your proposal for a double medal.

Mr. HAZEN: So did I.

General SMUTS: Then this particular question turned up as to what there should be clasps given for. I then made a proposal you will remember, after having heard the discussion, that the matter should be left in the hands of the Army Council to deal with, and it should be brought up later on. That was agreed to. If the matter cannot come up before us again, because it takes too long a time to record the wishes of officers at the front, then of course the original Resolution remains and the Army Council might deal with the subject. I think that is where it stands now.

Mr. MASSEY: I have had experience of this sort of thing in my public capacity, and it is quite certain that the matter cannot come again before this Conference, because we are going to adjourn in two or three days, and then it will be left in the hands of the Department. The War will come to an end and there will be a tremendous rush of business, which will last probably for years, and nothing will be done about this. I am not speaking of an international medal or of a British medal, but of special recognition being given for such campaigns as Gallipoli. Since the matter came up here I have taken an opportunity, as I am continually meeting New Zealanders, of asking them whether they would like special recognition, and invariably everyone was exceedingly anxious about it. General Richardson, commanding the New Zealand forces in England, is exceedingly anxious, and he says the men will be exceedingly disappointed unless there is special recognition by way of a clasp for those men who were at Gallipoli. I trust the Adjutant-General will be able to give us an assurance that something will be done in this direction.

Sir ROBERT BORDEN: I should like to say that the forces of every overseas Dominion will feel it very keenly if a clasp is given for one particular theatre, or a series of engagements in a particular theatre, and no similar recognition is given to them for their services in other theatres. I would strongly deprecate any such course as that. I am entirely appreciative of what the troops from all parts of the Empire have done in the various theatres of war, but I have not yet heard any reason which would induce me to assent to a course that would signalise the efforts of some and leave unsignalised the efforts of others.

Sir EDWARD MORRIS: I would like to say, in relation to that point, that I entirely agree with and support that point of view.

Mr. MASSEY: That places me in a difficult position. The suggestion made by Sir Robert Borden seemed to indicate that I am anxious for special recognition for some of the troops in whom I am specially concerned, but I am not anxious for recognition for others. Nothing is further from my thoughts or desires, and I thought I made it perfectly clear, but, if not, I will do so now. In speaking yesterday at the meeting at which Sir Robert Borden was present I gave the reason for the special desire for recognition as far as Gallipoli was concerned, and it was that the Gallipoli campaign was the first European War in which the troops from the Southern Hemisphere had taken part. That was the real reason. Some people call it a disastrous failure. I am not going to say whether it was or not, but, of course, it was not the success which they intended it to be and which our soldiers deserved by the fighting capacities—and not only our soldiers, but the Indian troops who were there and the 29th Division, one of the most heroic sections of men who ever wore the British uniform—I have no hesitation in saying it. Those are the two reasons. It was because it was the first occasion when the men from the Southern Hemisphere have taken part with their fellow subjects in the other parts of the Empire and because I have heard that those men are sometimes pointed at to-day as men who have taken part in one of the failures of the War. I do not agree with that, but Sir Robert Borden must know that is the fact, and, I think, in justice to those men, something should be done by way of recognising the splendid part they played at Gallipoli.

Sir ROBERT BORDEN: I certainly never heard of any such reproach being directed against the troops from Australia and New Zealand, and I would be the first utterly and absolutely to repudiate any such reproach. The whole world is conscious of the splendid gallantry they displayed and the wonderful achievement which they accomplished. I regret if I misunderstood Mr. Massey. I was merely pointing out my belief, which I still entertain, that it would be felt as an invidious distinction if one theatre were selected for particular recognition. I should also like to point out that it is the first occasion on which troops from my Dominion have participated in any European War. The circumstances are identical in that respect. We have not sent troops overseas to Europe before. It is the first occasion on which that has happened in the history of the Empire.



Mr. CHAMBERLAIN: That is the case also with regard to Indian troops: it is the first time they have participated in a European War. They have participated in all the theatres of war pretty nearly, except South-West Africa; with that single exception, the Indian troops have taken part in every theatre of war, and certainly I could not support a proposal on their behalf that one of the theatres in which they took part should be recognised in a way that other theatres were not.

Mr. MASSEY: Do I understand from that, that Mr. Chamberlain is not in favour of the Indians receiving special recognition for Gallipoli.

Mr. CHAMBERLAIN: No, I did not say that at all; I should be very glad if special recognition could be given for the different theatres of war, but I see enormous difficulties in the way, and, if that cannot be done generally, then I should be averse from doing it for the one theatre to the exclusion of the others.

Sir EDWARD MORRIS: I take exactly the same position. The troops which went from Newfoundland were landed at Gallipoli and went through the whole of the Gallipoli campaign. They were attached to the 29th division. They were the first to land, and I think they were the last to leave. They went through the whole Gallipoli campaign and, much as I should like to see them recognised, and as I feel they will be, I think they would be the last to desire any special distinction unless the same were given to other soldiers of the Empire who did splendid work in other theatres of the war. I should like to see Gallipoli recognised by a special clasp or medal, and the same with regard to Mesopotamia, France, and any other theatre of war.

General SMUTS: Yes, but I understand that the Army authorities are trying to get as far as possible special recognition, and to that extent I am sure Mr. Massey's wishes will be gratified if possible.

Mr. MASSEY: If that is done, of course, that will satisfy me, but we are given to understand it is almost impossible—I am afraid that opinion settles it.

General SMUTS: No, it is not a question of medals now, but of clasps. I am sure the New Zealanders, the Australians and Newfoundlanders who fought there, if they understood the position, would not like to have any distinction given to them which could not equally be given to other troops in other theatres. I am sure that would be their attitude, however much they would wish to have this special honour. I think we might safely leave the matter now in the hands of the Army Council to consult with the Army authorities.

CHAIRMAN: Might we settle the question of the two medals and as to whether the medals should be in silver, or whether you leave it to the Army Council?

Mr. MASSEY: We are all agreed that there must be an international medal and a British medal.

CHAIRMAN: I take it we agree on this, and the subsequent question will be left to the Army Council.

Mr. HAZEN: General Macready mentioned the question of whether it was to be a silver medal or not.

CHAIRMAN: Is not that best left to the Army Council?

Mr. HAZEN: I think so, but I hope myself the medals will be silver.

Sir JOSEPH WARD: Can we form any impression whether it will be possible to ascertain, before striking off the whole of the medals and clasps that might be required for Gallipoli or any other individual campaign, the actual number of men who have gone through other campaigns—New Zealanders, Australians and Canadians. Might not it be possible to ascertain through their officers beforehand if they have any preference for a clasp? You cannot give them all clasps, and I think the bulk

Sir JOSEPH WARD—*cont.*

of our men would prefer a clasp for Gallipoli. I would like to see a clasp available for that, and for any other of the great battles in which they were engaged. What looks to me to be desirable, if it could be done, is to ascertain how many men will be entitled to, and wish by preference to, receive those clasps.

Sir NEVIL MACREADY: You cannot ascertain that by consulting individuals. We are hoping that your record offices will undertake to issue them to your own people. You will find it takes an enormous time to do it. In any case the great bulk of your Dominion troops who were at Gallipoli are now in France.

Sir JOSEPH WARD: A good many have gone back to New Zealand.

Sir NEVIL MACREADY: Only those who are sick and wounded.

Sir JOSEPH WARD: Yes.

Sir NEVIL MACREADY: But if you take the opinion of the officers and men, I think we shall really get a very fair opinion of the feeling of the Imperial army. From the Army Council point of view we shall be quite ready to do what the general feeling is, permissible with possibilities. What we want to protect ourselves against is, in the year after the War, being asked: "Why are not these medals issued for this, that, and the other?"

General SMUTS: Is not this agreed to?

CHAIRMAN: Yes.

Mr. MASSEY: I am not quite finished yet. I want to ask the Adjutant-General whether he sees any difficulty in the way of a Dominion Government providing any special recognition for any part of the campaign or war in which their soldiers are specially concerned?

Sir NEVIL MACREADY: I could not answer that.

Mr. MASSEY: Is there any special difficulty?

Sir NEVIL MACREADY: It is a question for His Majesty.

CHAIRMAN: It will have to go to the King. All medals come from His Majesty.

Mr. MASSEY: What about clasps?

Sir ROBERT BORDEN: They go with the medal.

Sir NEVIL MACREADY: They go with the medal. There is a medal with the King's head on it, and clasps.

Mr. MASSEY: I understand that, but is the Royal permission necessary before a clasp can be issued in the way I have suggested?

Sir NEVIL MACREADY: Yes.

CHAIRMAN: Certainly.

Mr. MASSEY: That is all right; I was only asking for information.

Sir GEORGE PERLEY: May I ask a question about another matter, in connection with silver war badges to men discharged or wounded and who therefore have had to give up the service—is a man in one of the Dominions who enlists there, and then for whatever reason has to leave the service without coming overseas, entitled to get that silver War badge?

Sir NEVIL MACREADY: If he took his discharge for wounds or sickness, and it was a permanent discharge because he was permanently unfit for the service, either because of wounds or sickness contracted on service, or through age.

Sir GEORGE PERLEY: If he is discharged through sickness, and has never left the Dominions and never came overseas, would he be entitled to it?



Mr. HAZEN: If he is only in the Canadian camp?

Sir GEORGE PERLEY: Yes, if he took sick in camp, and has had to be discharged on account of illness.

Sir NEVIL MACREADY: Because his health would not allow him to join again if he wanted to?

Sir GEORGE PERLEY: Yes.

Sir NEVIL MACREADY: Yes, that man ought to be entitled to it.

Mr. MASSEY: Is it intended to discriminate between men who have been in the fighting line and those who have not been in the fighting line, but are not non-combatants though in uniform for the time being.

Sir NEVIL MACREADY: You are talking of War medals?

Mr. MASSEY: Yes:

Sir NEVIL MACREADY: The present belief is that it is practically impossible to do so, except with regard to the question of clasps. When it comes to be decided, if it is decided and if it is possible, to issue battle clasps, the men who have been in the fighting line will certainly have different clasps to medals from the other men—one will have a battle clasp and the other will not.

Sir ROBERT BORDEN: In the South African War there were very fine but necessary distinctions drawn. I think our troops who actually landed received the medal while other troops who had arrived, but had not landed, when peace was declared did not receive the medal.

The MAHARAJA OF BIKANER: That is a question of dates.

Sir GEORGE PERLEY: Further, with regard to the War badge, if Canada prefers not to have the silver War badge given to men who have not come overseas, but to give them some badge of their own, would that be in order or permissible?

Sir NEVIL MACREADY: It depends upon what the War badge was.

Sir FREDERICK PONSONBY: There would be no difficulty about it; it does not mean necessarily that the man gets a decoration or anything afterwards; it is only for the time of the War.

Sir GEORGE PERLEY: Yes, and if any Dominion prefer to issue some other badge?

Sir FREDERICK PONSONBY: That would be perfectly right.

Sir GEORGE PERLEY: Simply a War badge to those men who did not come overseas; there would be no objection?

Sir FREDERICK PONSONBY: No objection to that. Now about a munition medal. Has anybody come to a conclusion about it—whether a medal to munition workers is possible?

Mr. CHAMBERLAIN: I thought, as far as any opinion was expressed at the Conference on the last occasion, it was averse to a munition medal.

Adjourned to to-morrow at 3.30 o'clock.

## FIFTEENTH DAY.

Friday, 27th April 1917.

THE IMPERIAL WAR CONFERENCE MET AT THE COLONIAL OFFICE AT 3.30 P.M.

The names of those present are printed on p. 116 of [Cd. 8566.].

### Administration of the Military Service Acts in the United Kingdom.

Sir GEORGE PERLEY: May I say before we begin to-day's Agenda, that I had a very satisfactory meeting with Lord Derby yesterday afternoon in connection with the Military Service Act, and came to a complete understanding in the matter. It is to be reduced to writing, and I do not think we shall have any further trouble about it.

CHAIRMAN: That is all right.

Mr. CHAMBERLAIN: I am very glad to hear it. I felt confident it would be so.

### Address to His Majesty the King.

(See p. 117 of [Cd. 8566.].)

### Reciprocity of Treatment between India and the Self-Governing Dominions.

(See pp. 117-120 of [Cd. 8566.].)

### Address to His Majesty the King.

(See pp. 120-122 of [Cd. 8566.].)

### Temptations of Overseas Soldiers in London—(continued).

CHAIRMAN: The next subject we are to discuss is Temptations of Overseas Soldiers, a draft Resolution dealing with which has been handed in by Mr. Massey. We have already had some discussion upon it.

Mr. MASSEY: Since we last discussed this I have inserted an amendment which I suggested on that occasion, and I have to-day received two suggested amendments which the Home Office desire to have inserted and which, as far as I am concerned, I have pleasure in accepting, because I think they are an improvement on the original draft. As it now stands, the Resolution is in the following form: "That the attention of the authorities concerned be called to the temptations to which our soldiers when on leave are subjected, and that such authorities be empowered by legislation or otherwise (1) to protect our men by having the streets, the neighbourhood of camps, and other places of public resort, kept clear, so far as practicable, of women of the prostitute class; and (2) to take any other steps that may be necessary to remedy the serious evil that exists." I do not know whether the members of the Conference noticed that on the morning following our



Mr. MASSEY—*cont.*

discussion—it seemed to be by a coincidence, but only by a coincidence—one of the leading papers of the Metropolis had a leading article dealing with this very subject. I did not notice it myself, but a copy of it was forwarded to me by a friend, and I am going to quote about half-a-dozen lines. Speaking of the diseases which are being discussed, it says: "During the thirty-three months of the war 97,000 soldiers have been admitted into hospitals in England. In France about 50,000 of our men, suffering from the worst form of the disease, have passed through British hospitals there, and also between 150,000 and 200,000 lighter cases." I do not need to quote any further. The friend in forwarding this to me says: "The Bill introduced by the British Government may do slight good, but there is little doubt that it misses the most important consideration, namely, a system under which thousands of women, many diseased, are allowed in railway stations, main thoroughfares, places of entertainment, &c., frequented by soldiers. Often those women actually seize men who are affected by drink and rob them, and unfortunately transmit disease to them." It seems to me that those two statements taken together make out a stronger case even than we were able to put before the Conference at the last meeting when this matter was discussed. So far as I am concerned, I regret exceedingly to have to ask members of the Conference to deal with it, but I think we should fail in our duty if we went away from here, knowing these evils exist and knowing the very serious position that is arising, unless we recorded our emphatic protest against what is going on, and requested the authorities, with all the emphasis at our command and all the force which is possible to bring to bear upon it, to remedy this very serious evil which is causing anxiety not only in the United Kingdom, but to the very ends of the earth, to the extremest corner of the Empire to-day, and after the public statements that have been made, altogether apart from the statements made here the other evening, I do not wonder—I am not surprised—at the anxiety which exists among the relatives and friends of our soldiers. I beg to move the Resolution.

Mr. CHAMBERLAIN: May we have it read again in the amended form?

Sir ROBERT BORDEN: I understand Mr. Massey accepts the amendments.

Mr. MASSEY: Yes; I think they are an improvement; but you will notice that there is no reflection of censure, expressed or implied, on anyone. It is merely asking for an improvement.

Sir ROBERT BORDEN: I will read it as amended:

"That the attention of the authorities concerned be called to the temptations to which our soldiers when on leave are subjected, and that such authorities be empowered by legislation or otherwise (1) to protect our men by having the streets in the neighbourhood of camps, and other places of public resort, kept clear so far as practicable of women of the prostitute class, and (2) to take any other steps that may be necessary to remedy the serious remedy that exists."

I am prepared to support this Resolution. If I had been drafting it I should probably have made it somewhat stronger. It is not necessary for me to repeat what I said the other evening. I may, however, add this, that I doubt very much whether the feeling on this subject, as it is entertained in the Overseas Dominions, is perfectly realised in this country. There can be no doubt, I think, that already recruitment has been somewhat retarded by knowledge of the conditions which prevail here and of the failure to take any effective steps to remedy those conditions. I spoke pretty warmly on this subject the other evening, and I do not retract one word I then said. The subject appeals to me just in the same way.

It is, however, made clearer by what General Childs has explained to us, and perhaps we realise better than we did before what the difficulties are. I hope that public opinion in this country will so realise the situation that effective steps will be taken. If those effective steps are not taken then, in my opinion, the results will be exceedingly unfortunate for the cause that we have at heart.

CHAIRMAN: Does any other member of the Conference wish to make any further remarks? We have present the representative of the Home Office, Sir

CHAIRMAN—*cont.*

Edward Troup, and Sir Edward Henry, Head of the Metropolitan Police, and General Childs, from the War Office.

Sir EDWARD HENRY: I need hardly say, on behalf of the Executive authority, which in this matter is, in London, the Metropolitan and City Police, that we are whole-heartedly in sympathy with the desire of this Conference that more effective measures should be taken to shield the Overseas soldiers from the danger they are exposed to of being infected from venereal disease with the deplorable after-effects which may result. I do not propose to do more than tell you what the Police have been able to accomplish by their own efforts, and how they have indirectly helped to better conditions.

During the past three years and the first quarter of 1917 the Metropolitan Police have brought before the magistrates, for soliciting to immorality and cognate charges, over 20,000 women, and they have secured the deportation of a number of foreign women who lived by this traffic. These results would have represented a marked abatement of the evil dealt with if the women so charged could have been removed from the streets by being imprisoned for a longer or shorter period. As a matter of fact, however, the existing law gives to magistrates in the majority, I might say in four-fifths of these cases, the power of imposing a penalty of fine only, with the result that the women leave the courts to return to their calling having to make good the amount of the fine they have had to pay; in other words, they have to ply their trade harder than before. Obviously the only solution which in the existing state of the law is available, is wholly unsatisfactory, and police activity has not had the effect of abating the evil combated with. While admitting the ineffectiveness of our efforts to grapple with this grave problem, I feel bound to admit the difficulties to be faced by those who are anxious, as we all are, to bring about a marked improvement. I am not well posted in the actual hospital statistics on the subject, but I read Captain Guest's speech in the Debate in the House, and from it learnt that since the outbreak of war over 97,000 cases have been dealt with in this country and between 200,000 and 250,000 cases in our hospitals in France. It may, I think, be assumed that few, if any, of the French cases were infected here, as the men would not have been sent abroad without a clean bill of health. On the other hand, men who have become infected in France would have been invalided home. The inference to be drawn, it seems to me, from these figures is that in a country where regulation is the rule and the executive are vested with considerable powers, all their efforts have proved no more effective than ours in protecting our soldiers from disease. The Criminal Law Amendment Bill is now under discussion in the House of Commons, and it may be that a Resolution by this Conference would influence results there; but you, gentlemen, doubtless have noticed the reluctance of Parliament to sanction the moderate proposals embodied in the draft Bill, or some of them at any rate. I need hardly say that any specific proposals that the members of this Conference, whose experience has been so great and so varied, may be willing to make will receive the most careful consideration of the authorities, who are most anxious to do the utmost that public opinion will sanction to protect the health of the soldiers who are fighting our battles. Realising that the overseas soldiers would benefit by the establishment of well-appointed clubs where they could be made thoroughly comfortable, two suitable police buildings have been made over for this purpose, partly equipped with furniture, crockery, &c., free of all charges. One of these, Peel House, has since its opening provided over a quarter of million of beds, and at the other there is comfortable sleeping accommodation for over 200 men. I refer to this merely as an indication of the desire of the police to associate themselves with other sections of the community in testifying to their admiration of the splendid services rendered by the Overseas soldiers and to their affection for them by assisting in this way to cater for their comfort. Many of these soldiers on coming to London have a craving for companionship, and female companionship for choice. Arrangements are now being made to open mixed clubs where under suitable management men and women can be catered for. If this can be done on a sufficiently extensive scale, my own view is that great good will result. I have heard it said that there is much drunkenness, and that under the excitement of drink men become more easily



Sir EDWARD HENRY—*cont.*

a prey to immoral women. I consider these statements greatly over-colour the real state of things, and in my opinion there is relatively little drunkenness. It having been represented to me that soldiers who entered a public-house to procure a drink were led into immorality by finding women in the bars who made overtures to them, I represented this to the representatives of the licensed trade, and at my request they have arranged in all areas frequented by soldiers to have bars set aside where men only will be served. That is the extent of what we have been able to do.

Sir ROBERT BORDEN; Might I for one moment, in response to the request for suggestions, say that some information came to me this morning very hurriedly which I have had no opportunity to investigate, but which might be worthy of investigation by the authorities here. I understand that the information to which I allude came through some of the authorities in the Canadian Expeditionary Force from soldiers who are familiar with the steps which were taken in the United States, and particularly in the State of New York, in the Spanish-American War. It appears that in New York it was arranged to have some parts of the City patrolled day and night by large bodies of women police, who were recognised officially, and empowered to follow any woman home and make any investigations they thought fit. They displayed great discretion, and got to know both the professional class and the others who were not earning enough wages in shops, &c., and so supplemented their earnings by practising prostitution, and who are a greater danger to the community than the professional prostitutes. Under some legislation of the United States these women were medically examined by women doctors, the diseased ones being sent for treatment, and afterwards to war work till the end of the War, and the others were sent straight to whatever war work they liked to undertake, the places where they worked being under strict supervision and principally in the country. Then follows a very striking statement, which is this, that after the war more than half of these women never returned to their old life. The method of dealing with them was not discussed, I believe, in Congress, nor was it commented on in the press; it was done very quietly, indeed, and, as the result of these measures venereal disease after a certain period, not a very long period, was reduced by sixty-five per cent. amongst the troops. It was also suggested to me, and I only mention it as a suggestion, because I know nothing of the matter, that some new order which is said to have been issued to prohibit soldiers and sailors from entering any place of refreshment after 10 o'clock is throwing them more than ever into the society of women of this unfortunate class, and, as the result of this, there is likely to be more trouble in the future than there has been hitherto.

Sir JOSEPH WARD: This matter is of such importance to the fathers and mothers and relatives of the men in our country that I offer no apologies for referring to it for a moment or two. Those observations that have been made on behalf of the police by Sir Edward Henry, to my mind give an emphatic note as to what is necessary to protect the men who come from overseas from what, after all, is human nature. If the police and the military have no power here under the existing law to help these men who are thousands of miles away from their own place to escape the pitfalls which are here, obviously, if it can be done, the proper thing to do is to give them the necessary powers to enable them to carry it out. There may be difficulties in the way of doing that. I am not expressing an opinion upon it, and those who are responsible for the administrative government of this country know their own business best, but the matter is so important from the standpoint of these men who travel thousands of miles away from their own homes that, having regard to the statement made by Sir Edward Henry, the head of the police here, it is quite clear to my mind when men come over here without any of the members of their families with them, I do not wonder if they have a feeling of loneliness and a desire to acquire the friendship of somebody, and after all it is only human nature that they should want to have the friendship of some woman or girl in the country to which they come. To try to completely stem what is after all human nature under those circumstances would be to attempt to do the impossible. There

Sir JOSEPH WARD—*cont.*

is no place in the world so lonely as a large city and especially to which men have come for the first time, unless they have friends there. That there have been many good men and good women in this city of London and throughout England who have endeavoured to make the men's visit happy and pleasant by helping them in many ways, is undeniable; but the fact remains that the relatives of some of the men who come from New Zealand, who receive communications from people here, are terribly distressed as the result of the cases which undeniably exist in this country regarding a number of the men, some of whom are innocently ruined. I suppose there are some people who say under the circumstances a man deserves all the trouble that he gets, but, as a man of the world, I have no hesitation in saying that we have to take the world as it is, as far as human nature is concerned, and we have to recognise that the causes of the troubles which we are speaking of are bound in many cases to arise when there is such widespread temptation thrown in their way, and sentimentality is not going to stop it. In this City of London, due to the extraordinary numbers of the unfortunate women who are about certain parts of the city, there can be no doubt that many men, New Zealanders among others, are to-day under absolute control isolated in camp as a result of the trouble in which they are, the majority of whom had not the remotest idea that they were going to get into trouble. If it be the case, and from information furnished to me I believe that it is so, that there is a section of these unfortunate women who specially invite some of these soldiers who visit the city to have connection with them for the purpose of detaining them here for a time and stopping them from going to the front, then that makes it all the more important from the standpoint of the man-power required for the carrying on of this War that there should be some further drastic legislation, if necessary, provided, to ensure that this condition of things should not exist. What, naturally, the father or mother of the young fellow, or the wife of a man, who comes to this country feel is that if he goes down in fighting for the flag, while sorrow permeates the home, they have the consolation of knowing he has done his part and gone down in assisting others to maintain the freedom of the country to which he belongs; but it is horrible to contemplate the feelings of those people who become aware of the fact that perhaps for the lifetime of the man he is so permeated with a devastating and hideous disease that it will not only affect his own body but is likely to be transmitted to his progeny and into the homes of some other innocent persons.

I agree with all Mr. Massey has said on the Resolution he is submitting, and I am strongly of opinion that what Sir Robert Borden said, in addition to that, is right. It is going, during the balance of this War, to tell very much against recruiting from the overseas countries. The sentiment and the active support of women in New Zealand, as no doubt is the case in other overseas countries, have been all along on the side of assisting recruiting and helping to get men to do their part, which other men of the country have been doing, since the start of this War; but if the women of New Zealand become impressed with the belief that this devastating and horrible disease, the consequences of which are going to affect them and their families for many years after this War is over, is to be a necessary outcome of allowing these men to come, and if there is no recognition by the authorities here that drastic steps, by legislation, if necessary, require to be taken to cleanse this city from the worst class of those women who are responsible for the dissemination of these terrible troubles, then, in my opinion, it is going to have a very bad effect not only upon recruiting, but it is going to engender a very unhappy feeling towards the country to which they are deeply and devotedly attached at the present moment for its want of the necessary action to prevent the spread of this scourge. In the discussion which took place the other evening, I was very much impressed with what General Childs said about the matter so far as the military authorities are concerned. It is quite evident that the military authorities are doing all they can and the police authorities are doing all they can, but the weapons in the hands of both those authorities are insufficient to enable them to combat these troubles which exist. There can be nothing more nauseating to us men who come from the overseas countries than going to some of the camps here and seeing the sons of some of the best people, fine young fellows of humble origin it



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Sir JOSEPH WARD—*cont.*

may be, caged in—I was almost going to say like animals—with men on guard outside with loaded rifles, confining these men to the locality for the purpose of preventing the possibility of the transmission of the trouble from which they are suffering, perhaps innocently, or without a proper knowledge of the possibility of it. There these men are to be found, not in great numbers, prisoners, and I do not know of anything more repugnant to the feelings of a representative from the Oversea Dominions than to find fine young fellows who may have only a slight touch of this disease, but sufficient to cause them to be put under control, associated with men who probably have the disease in their person of the most advanced possible kind. I, personally, as I daresay all those here have, received letters from the relatives of men in our country, and I have had people interview me from New Zealand upon it—both men and women; they are deeply concerned and very much distressed about the situation, and I do hope, after the statement made by the head of the Police Department to-day, if there are any suggestions that can be put into effect so as to enable them to be carried out, that in the interests of these men, and in the interests of the people of our country to where they are going to return, such suggestions will be made law and carried out.

CHAIRMAN: Does any other member of the Conference wish to say anything? I think the passing of this Resolution will be of great value and may give the desired impetus to some further steps being taken. It is really a question of legislation.

Mr. MASSEY: Is the Bill which is now before the House of Commons a Government measure?

CHAIRMAN: Yes.

Mr. MASSEY: I suppose you will be able to convey the Resolution to the Minister in charge?

CHAIRMAN: Yes. It is a Bill belonging to the Home Secretary, but unfortunately the Home Secretary is ill and one of the other Ministers is in charge of it.

Sir EDWARD TROUP: The Lord Advocate is in charge of the Bill.

Mr. MASSEY: The Chief of the Police referred to the licensed houses. What I would venture to ask, for my information only, is, how would the closing of those houses one or two hours earlier in the evening affect the position?

Sir EDWARD HENRY: I do not think it would make much difference.

Mr. MASSEY: You do not think it would make much difference either way?

Sir EDWARD HENRY: No.

General CHILDS: There are one or two points I want to make clear, as I think there is some misapprehension with regard to them. An order has been mentioned about the closing of establishments at 10 o'clock. That is an order in the London District to prevent the wasting of food, and the regulation is about to be applied to the whole community. I was asked to concur in it by the Home Office the other day, and I agreed at once. The reason given was that a large number of suppers were consumed after that hour. We recognise the point you make that the people are driven into the streets, and it is a question of the lesser of two evils.

Sir ROBERT BORDEN: I have no personal knowledge about it.

General CHILDS: We have had women patrols practically all over England in the vicinity of camps, and they are doing similar work to that which Sir Robert Borden mentioned, except that they have not the power to which he referred. In regard to France, I may say, for the information of the Conference, that the majority of cases, certainly when I was there, of venereal disease amongst men newly arrived in that country, were contracted in this country and not in France. In France the venereal disease which is contracted out there is from promiscuous association with inhabitants of the towns and villages in the rear of the Army, where the men are when they have vacations from the front line. It is not contracted

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General CHILDS—*cont.*

from visits to Government establishments, but the disease is contracted from the refugees from the front. We have kept a careful return of all venereal disease in France, and our experience is that by far the majority of cases are contracted within one week or ten days of the men being brought from England. Then with regard to drunkenness in London —

Sir ROBERT BORDEN: I was going to ask about that, because there is concern, especially among the women in Canada, lest their immediate relatives become addicted to intemperance through opportunities afforded here which do not obtain in Canada.

General CHILDS: In the whole London District, for the week ending three weeks ago, the total number of drunks arrested was seven, and in the following week, thirteen. That is the whole.

Mr. MASSEY: Soldiers?

General CHILDS: Yes; seven were arrested for drunkenness in the one week, and in the following week, thirteen; and it works out, on the average, to about sixteen a week.

Sir ROBERT BORDEN: It would make the situation a little plainer if you could tell us how many soldiers would be within that district in the time.

General CHILDS: London is a centre towards which every soldier on leave gravitates. It is impossible to form an accurate opinion of the total number of troops passing through London.

CHAIRMAN: Cannot you give, fairly approximately, what is the number of soldiers in the London area? Would it not be, at least, 80,000?

General CHILDS: I would not like to say the number in the area, plus the number of troops passing through on leave from the various fronts, and those on leave from the Oversea camps, when they get four days' leave on arrival in this country.

Sir ROBERT BORDEN: It would be reasonable to say the number might be between 50,000 and 100,000.

CHAIRMAN: Many more than that. I do not suppose there is any night in the week when there would be much less than 200,000 soldiers sleeping in London.

General CHILDS: We can find out.

CHAIRMAN: Of course, it is in the London area, and there are so many men going backwards and forwards on leave, that I daresay the total number any night might be from 300,000 to 400,000.

Sir ROBERT BORDEN: If you could give me any additional statistics covering a longer period, I should prefer that very much.

Sir JOSEPH WARD: May I suggest this with regard to the point. When the General gives you that information, it may be after the closing of the Conference, and, if so, might it be regarded as within the authority of the Conference to include a statement of the number of those men in London in the records, so that we may all have the figures in our own countries? I think that would be very important.

CHAIRMAN: The General will give the figures.\* The numbers must be very large, because many men stop the night in London, because they cannot get to their own homes.

Sir JOSEPH WARD: The number must be very large, I can understand.

General CHILDS: The troops on leave from France come up from Dover, or wherever it may be, and have inevitably to stay the night in town. The total number coming on leave to-day from France is 500. To-morrow it will be 1,000. It depends on the condition of affairs at the front in France. To-day it is 500;

\* NOTE.—It was subsequently stated by the War Office that it was estimated that, roughly speaking, about 200,000 men of all ranks sleep in London every night.



General CHILDS—*cont.*

to-morrow it will be raised to 1,000, and sometimes it goes up to 5,000, and that is in addition to the overseas troops who have four days' leave soon after they reach this country. There is one more point I would like to ask whether you want advice upon or not; do you consider that the venereal disease which the overseas troops contract is more largely contracted in London or in the vicinity of the camps where they are stationed? I do not for a moment want to raise the question of the curtailment of their leave to London, but if our efforts fail, as I hope they will not, I would like to take the opportunity of saying on behalf of the Army Council that if it is contended that the venereal disease is contracted more especially in London and not in the vicinity of the camps where they are training, it is a matter for consideration whether in future we ought not to set up some scheme whereby the overseas troops should come up on leave in batches as conducted parties with people to show them round the city, and look after them during their visit. I say that subject to what you may think, because, if this venereal disease is picked up in London, then I think there is a very strong case for the arrangement of conducted parties, when these men come up on leave. It is perfectly possible to organise some system of letting them see the sights of London in parties under somebody's leadership, and then delivering them back to the camps again at night.

Sir GEORGE PERLEY: I think you could get that information by asking the Director of Medical Services for each of the Dominions. Personally I am unable to answer the question, so far as we are concerned, without enquiry.

CHAIRMAN: You can get the information from the records.

Sir GEORGE PERLEY: I understood from what Sir Edward Henry said with regard to the figures as to the comparative numbers of cases in England and in France that he rather came to the conclusion that the greater number of the men took the disease in France. On the other hand, I understood from what General Childs said, that he did not arrive at the same conclusion.

General CHILDS: No. It is now fifteen months since I left France, but while I was there, when a draft came over we had a medical state sent to Headquarters. Before the men go to the front they are at base depôts for perhaps a month, and I think you may take it that certainly within a fortnight this venereal disease begins to show itself, and my experience was that those who were found to be suffering from venereal disease almost immediately after arriving in the country, in France, must have contracted it in London.

CHAIRMAN: In cases of venereal disease you are entirely dependent on information given by the sufferer. The sufferer in the case of a soldier is not only, in the ordinary position of a sufferer, rather ashamed of it, but he also knows he is liable to a form of detention which is very disagreeable to him. Therefore, you are unfortunately obliged to take the information from the sufferers from venereal disease with the greatest possible reserve. You cannot at all rely that they will give the real history of the case; they often say they contracted it in one place when they really contracted it in another. That applies both to soldiers and to civilians.

General CHILDS: With regard to venereal disease contracted in France by men back from the front, I can give you, as an example, one particular place where there was only one case a week regularly, and not more, although there were certainly 80,000 or 90,000 people.

Sir EDWARD HENRY: The only inference I ventured to draw was that even in a country where you have State regulation you cannot shield men from the disease.

General CHILDS: That is so.

Sir EDWARD HENRY: That is my only point.

Sir GEORGE PERLEY: It seems to me that those figures are misleading. I should think from what the General says, it confirms the opinion I have myself, which is that far the greater majority of these cases start in England.

Sir EDWARD HENRY: I do not think the General goes so far as that. He only says a certain number of cases.

General CHILDS: I confined myself to the recent arrivals in France and the venereal returns relating to those men back from the front.

CHAIRMAN: Figures are very fallacious.

Mr. HAZEN: How long does the disease take to develop?

CHAIRMAN: Nobody knows.

Mr. HAZEN: How long is it after a man has contact?

CHAIRMAN: You cannot tell. That was most exhaustively enquired into by the Royal Commission. It is one of those diseases which may lie dormant for a considerable time, or it may make its appearance within a short time. It has been known to be dormant for a period longer than six months.

Mr. MASSEY: It seems to me that the first thing to be done is to remove the temptation which is placed in the way of our soldiers by the presence of these thousands of women on the London streets after nightfall.

CHAIRMAN: The period of incubation which I have mentioned applies to syphilis and not to gonorrhœa. Is the Conference prepared to adopt Mr. Massey's Resolution as amended?

[AGREED.]

#### Publication of Proceedings.

CHAIRMAN: That brings us to the next item on the Agenda, viz., the question of Publication of Proceedings, a note on which has been circulated to members of the Conference. I do not know whether any of the members of the Conference have any comments to make. I hope to have ready next week the foundation of a Blue Book, and, if necessary, the Conference could meet for half-an-hour just to consider that, if they wished to do so. If nothing arises, may I take it that the note on Publication of the Proceedings meets your wishes?

Sir ROBERT BORDEN: I am afraid I have not read it.

CHAIRMAN: I will read it. "The following observations are made on the assumption that it will be desired to publish some official record of our proceedings. Much is of a highly confidential character and entirely unsuitable for publication. Other parts, though not so essentially confidential in their nature, are intermingled with matter which, owing to the circumstances of the moment, must for the present be kept confidential." For instance, that applies to a great part of the debate on the Pacific question, which the Admiralty hold to be most undesirable to publish during the War. "Other parts, again, could be published at once without inconvenience. The Resolutions and the detailed proceedings stand in these respects on somewhat different footings. The Resolutions might probably all be published, except that on demobilization (which the Army Council, I understand, particularly desire to keep secret) and some of the Trade Resolutions which, if published, might, as General Smuts suggested, convey information of value to our enemies. I should propose in publishing to indicate the omitted Resolutions by asterisks, preserving the existing numbering, as in the enclosed print of Resolutions passed. With regard to the detailed proceedings there seems to be no objection to publication of the discussions and Memoranda on the following subjects (which are given in the order in which they were taken):—Opening proceedings on the First day and Message from the King, Trade Commissioner Service, Representation of India, Constitution of the Empire, Lord Grey's scheme for a Dominion House, Double Income Tax, and perhaps Graves and the Indian Memorandum"—and of course the question of an Address to the King we have been discussing to-day. "The other subjects all contain more or less confidential matter, and it would not only be difficult but somewhat unsatisfactory to publish a severely edited edition of the Proceedings,



CHAIRMAN—*cont.*

though later on it may be desirable to publish full accounts. In these cases the Resolutions would show that the Conference had considered a question and arrived at a decision though it would not always be clear exactly what that decision was. If the above suggestions are approved in principle I will have a Blue Book prepared, and will circulate a proof to the representatives of the different Governments for their consideration. I would add that in any case copies of a full printed record of the Proceedings will, of course, be sent to the different Governments for their own confidential information."

Sir ROBERT BORDEN: I think, as far as possible we should give publicity. It would be necessary of course to delete some things, but I think the general rule, unless there is a fairly cogent reason for a decision to the contrary, would be to publish as soon as possible. I appreciate the considerations which are expressed in the note with regard to the Resolutions on Trade relations and with regard to some portions of the discussion. It is quite possible, and I think probable, that a portion of the discussion on some of the Resolutions must remain confidential for the present, even although the Resolutions themselves were published. I appreciate that, but, subject to those considerations, I am personally in favour of giving as full publicity as possible to the proceedings of the Conference.

Mr. MASSEY: If it were not for the War, there would be no objection to publishing the whole thing, but we must expect, if the Resolutions are made public and the Reports of the Proceedings are made public, that we shall have attention called to what has been done and opinions expressed by newspapers all over the Empire. As I say, that would not affect any one of us personally, but it might not be wise to discuss in the newspapers some of the very important questions that have been raised at this Conference, and particularly to quote some of the expressions of opinion that have been made. I know we have all expressed opinions which would perhaps convey, if printed in the form in which we gave utterance to them, a certain amount of information to those who are opposing us in the present War. The difficulty is to know where to draw the line. I may say that, personally, I have no feeling at all; I should be perfectly satisfied to leave it to you, Sir, to use your own judgment as to what should be published or withheld in the meantime. We could arrive at an understanding that anything that was left out now might be published after the War comes to an end.

Sir JOSEPH WARD: Did I understand you to say that the Naval Defence discussion was not to be published?

CHAIRMAN: Parts of the Pacific Debate the Admiralty are very anxious should not be published at present.

Sir JOSEPH WARD: This is a matter which I think must be left entirely to the Government here, with this reservation, if I may call it a reservation, that if the work of the representatives of the overseas countries who have come here in association with the British Ministers goes on record concerning matters affecting people in the countries we represent, and it is not to be available for the use of the people, then obviously we are being tied in our own countries because out of respect to the confidence that is entered into here at this Conference table with the British Government, we will not traverse those portions of our work done here—or rather I shall not be disposed to do it—as it might be regarded as indirectly a breach of confidence as between the Oversea countries and the British Government. However, before coming to this Conference, I felt myself at full liberty to discuss various matters as I thought proper on any lines as one of the men coming to this Conference. As the result of doing what I thought to be right, the position arises that, because we have put our opinions on record at the Conference we are to go away less free men with regard to discussion on particular points than we were before we came. That appears to me to be very illogical. But what I want to say is, that if there are any of the remarks in connection with any of the subjects delivered by any of the Members of the Conference which, in your opinion on behalf of the British Government are calculated to be of use to the enemy, I think they should be left out.

CHAIRMAN: That is exactly what is proposed.

Sir JOSEPH WARD: But the balance of the remarks should go in.

CHAIRMAN: That is exactly what is proposed, and it is what I said just now.

Sir JOSEPH WARD: Then I did not understand it. I am very glad to know that, and I am prepared to leave it to your discretion entirely.

General SMUTS: So am I.

Sir EDWARD MORRIS: And I.

CHAIRMAN: May we take it that that is agreed to?

Sir JOSEPH WARD: Finally, later on, when the War is over, the whole record will be available in the usual way?

CHAIRMAN: Yes.

Mr. HAZEN: It is stated here that "in any case a full printed record of the Proceedings will be sent to the different Governments for their confidential information."

CHAIRMAN: That is so.

Mr. HAZEN: That is what has been done at previous Conferences.

CHAIRMAN: Yes. Then the Conference adopts the proposals in my Note, I understand.

[AGREED.]

#### Notices of Motion.

(See pp. 122–123 of [Cd. 8566].)

#### Concluding Resolution.

The following passage was omitted from the Blue Book:

CHAIRMAN: I think it is very desirable that we should not make any intimation that our business has been concluded, for a great many reasons. I propose to circulate some information to the newspapers, giving a general statement of the work we have done, but merely a statement of fact, and saying that the Conference is approaching the conclusion of its labours, &c. It is very important that nobody should know that we have come to an end, because I want all those who are going home to be near their homes before it is known that we have broken up.



## V.—PAPERS LAID BEFORE THE CONFERENCE.

12543

## I.

Demobilization of Dominion Contingents.  
Memorandum prepared in the War Office.

[See discussion on pages 2 to 15.]

WHILE the Army Council fully appreciate the Imperial and other advantages that might accrue from a visit of the Dominion contingents to this country at the end of the War, they recommend that the following points regarding the repatriation of these contingents be considered when the question of their demobilization comes up for discussion at the Imperial War Conference:—

*Accommodation.*—It may be assumed that when peace is declared there will be over 1,500,000 troops in this country, of whom, roughly, 1,000,000 will be accommodated in either barracks or hutments, and the balance in hired buildings, billets, etc. Of the number in barracks and hutments 200,000 will be Dominion troops. Unless, therefore, we can dispose of the Dominion troops who will then be in the United Kingdom before bringing over those who are in France, it will be necessary to remove Imperial troops from at least twelve large hutments to accommodate the Dominion forces from France, as these now number over 220,000, and this number may be increased. Such a course will interfere with the demobilization of the Imperial forces, as it is proposed to make use of some of the hutments for "dispersal stations" for Imperial troops.

If the Dominion troops were to come to England their despatch from France would therefore have to be delayed until the Dominion troops in the United Kingdom had been disposed of, and until a considerable number of the Imperial troops in this country had also been demobilized. Even the delaying of the arrival of the Dominion forces from France until those in the United Kingdom had been despatched to their respective Dominions would involve making use of at least two if not more of the big hutments.

Accommodation in camps in England might therefore only be available for a comparatively small number, and some might have to go under canvas. Neither Australians nor New Zealanders could stand the English winter under canvas except at great risk of sickness. Even under present conditions while the men are accommodated in huts provided with heating arrangements, chest complaints, developing in a number of cases to phthisis, are very prevalent among Australian and New Zealand troops. At whatever time of the year peace is declared the demobilization period will include at least part of one winter.

*Transport.*—The Council anticipate that during the first few months of demobilization it will be necessary to utilize fully all the ports and shipping facilities that can be allotted for the repatriation of the British troops and for foreign garrison reliefs for India and Imperial stations.

Any move of Colonial contingents to this country from the war theatres, and their subsequent despatch to the Colonies, would diminish accordingly the rate of demobilization and impede reconstruction in this country.

It is understood that the Dominion troops will be returned to the Dominion fully equipped except for horses, so that the ports through which they could be passed in this country are very limited.

It is considered that if the Dominion Expeditionary Forces were brought to England leave would necessarily have to be very limited to conform to the requirements of the railway service, which, through having to carry such numbers of British troops to their "dispersal stations," would be more heavily strained than at present. The men would therefore derive only a limited benefit from being brought to this country.

*Discipline.*—Discipline may be difficult to maintain with troops who have completed their active service and are compelled to remain in camp on account of the impossibility of giving leave to large numbers.

Under the relaxation of discipline which may arise upon the declaration of peace, there might be an undue amount of absence, insubordination, and other disorders; as a result there would be an undesirable frequency of courts martial and severe sentences. The irritation caused by restrictions and punishments for



breaches of regulations might go some way towards outweighing the Imperial advantages anticipated from a visit of the overseas troops to this country.

*Finance.*—To bring the Dominion contingents to this country instead of sending them home direct from France would cost more in—

- (a) Maintenance, in so far as it will postpone the date of their ultimate demobilization;
- (b) Sea transport: as there will be two sea voyages instead of one;
- (c) Rail transport in England;
- (d) Accommodation in England;

of these items, (d) is an Imperial liability, (a), (b) and (c) are Dominion liabilities. The delay in re-establishing industrial and commercial activities, moreover, would rapidly involve the United Kingdom and each of the Dominions in the loss of many millions of pounds.

The Council therefore consider that the advantages of a visit to this country for the men in the Dominion Expeditionary Forces will be adequately secured by each man having an opportunity of visiting England on furlough. All the men of the Canadian contingent have already visited this country, and can therefore be sent back to Canada direct when peace is declared. This is in conformity with the desire of the Canadian Government. The bulk of the Australian and New Zealand forces have also visited this country already, and, as leave is granted in rotation, within the next two or three months every one of the men serving in the Dominion contingents in France will have been in the United Kingdom. Should all not have had an opportunity of seeing England by the end of the War it is suggested that the men should come over in parties on leave to England from the Continent and should then rejoin their division in France. Even this would probably diminish the rate at which men can be returned from the British Armies in France, and no doubt the French Government will wish their country to be evacuated as soon as possible after the War.

The Council are of opinion, moreover, that many men of the Dominion contingents will prefer to be sent direct home when they realize that physical limitations render it inevitable that a visit to this country will mean a delay, amounting in some cases to months, before they are demobilized. This imposed delay might be resented by such men, and trouble might be caused by men deserting in France on the expectation of securing direct shipment to their Dominion on a passenger ship. In order, therefore, to avoid these difficulties; in order that the Empire may not be handicapped unnecessarily at the end of the War by the absorption of the mercantile marine service for transporting troops and equipment while those of other nations are employed in commercial enterprises; and in order to re-establish as quickly as possible industrial and commercial activity, it is urged that their troops should return to the Dominions in which they were raised, without first being concentrated in England.

The question has already been raised with the Governments of Canada, Australia, New Zealand, Union of South Africa, and Newfoundland, who were asked:—

- (1) Whether the contingent should first be brought to this country or should go straight home.
- (2) Whether any difficulty during the period between the end of the War and the men's arrival in the Dominion is likely to be raised by terms of enlistment.
- (3) Whether, in the event of its being considered desirable to keep some of them for military purposes after the War, men's terms of enlistment are such as to raise any difficulty.
- (4) Whether there are any obstacles in the Dominion to men being sent back as soon, and in as large numbers, as permitted by transport conditions.

With the exception of the Government of New Zealand each has replied that their contingent may be returned direct and as rapidly as possible to the Dominion. (See correspondence, printed as appendix.)

R. H. BRADE.

War Office,

5th March, 1917.

# APPENDIX.

Sir,

War Office, Whitehall, S.W., 8th December, 1916.

I AM commanded by the Army Council to state that they would be glad to have the opinion of the Secretary of State for the Colonies and of the Overseas Governments upon the procedure to be adopted when the time comes for demobilizing the Dominion and overseas contingents. It appears to the Army Council that the principal questions that can be most usefully considered at present are:—

- (1) Whether the overseas contingents are to go straight home or are first to be brought to this country. In this connexion I am to point out that it will probably be as much to the interest of the United Kingdom as it will be to that of the Dominions to secure the repatriation of the Dominion contingents as rapidly and as soon as possible.
- (2) Whether the terms of enlistment of the contingents are such as to raise any difficulty during the period between the end of the War and the men's arrival in the Dominions. I am to state in this connexion that the Army Council contemplate special legislation will be necessary in the case of troops raised in the United Kingdom.
- (3) Whether the terms of enlistment of the contingents are such as to raise any difficulty in the event of it being considered desirable to keep some of them for military purposes after the War.
- (4) Whether there are any obstacles in the Dominions themselves to the men being sent back as soon, and in as large numbers, as transport will permit.

As it is essential to include a consideration of the Dominion contingents in any general scheme of demobilization, the Army Council would be glad to have the opinion of the Secretary of State for the Colonies and the Dominion Governments as soon as conveniently possible.

I am, &c.,

R. H. BRADE.

The Under Secretary of State for the Colonies,  
Colonial Office.

TELEGRAM SENT BY SECRETARY OF STATE FOR THE COLONIES TO THE GOVERNORS-GENERAL OF CANADA, THE COMMONWEALTH OF AUSTRALIA, THE UNION OF SOUTH AFRICA, AND THE GOVERNORS OF NEW ZEALAND AND NEWFOUNDLAND.

(Paraphrase.)

(Sent 6.0 p.m., 27th December, 1916.)

In connexion with procedure to be adopted when the time comes for demobilizing Dominion contingents, views of your Government are desired by the Army Council upon the following points:—

- (1) Whether [Canadian] [Australian] [New Zealand] [Union] [Newfoundland] contingent should first be brought to this country or should go straight home. Council point out that it will probably be in general interest that the return should be as early and as rapid as possible.
- (2) Whether any difficulty during the period between the end of the War and men's arrival in [Canada] [Australia] [New Zealand] [Union] [Newfoundland] is likely to be raised by terms of enlistment. In case of troops raised in the United Kingdom, Army Council contemplate that special legislation will be necessary.
- (3) Whether, in event of its being desirable to keep some of them for military purposes after the War, men's terms of enlistment are such as to raise any difficulty.
- (4) Whether there are any obstacles in [Canada] [Australia] [New Zealand] [Union] [Newfoundland] to men being sent back as soon, and in as large numbers, as permitted by transport conditions.—LONG.

PARAPHRASE OF TELEGRAM FROM THE GOVERNOR OF NEWFOUNDLAND TO THE SECRETARY OF STATE FOR THE COLONIES.

(Received, Colonial Office, 3rd January, 1917.)

2ND JANUARY. With reference to your cipher telegram of 27th December, demobilization of Dominion contingents. Ministers reply as follows. *Begins:*—

First, the Newfoundland contingent should be sent straight home as rapidly and as early as possible.

Secondly, there is nothing in terms of enlistment to cause any difficulty during period between end of War and men's arrival in Newfoundland. Ministers desire that Your Excellency will obtain from the Secretary of State draft showing form which special legislation should take.

Thirdly, it would be for each man to decide whether he is to be kept for military purposes after the War. Under terms of enlistment they are to be brought home.

Fourthly, there are no obstacles in Newfoundland to men being sent back as soon as possible, and in as large numbers as transport will permit. *Ends.*

Despatch follows by mail.—DAVIDSON.

PARAPHRASE OF TELEGRAM FROM THE GOVERNOR OF NEW ZEALAND TO THE SECRETARY OF STATE FOR THE COLONIES.

(Received, Colonial Office, 2.38 p.m., 4th January, 1917.)

REFERRING to your telegram 27th December.

- (1) My Government consider that the demobilization of the New Zealand Expeditionary Force would be carried out more expeditiously and efficiently if previous to embarkation for



New Zealand the whole of the New Zealand troops serving in Europe were concentrated in the United Kingdom. Troops in Egypt should be embarked direct to New Zealand.

(2) The New Zealand Expeditionary Force has been enlisted for the period of the War and for six months after, which, in opinion of my Ministers, will preclude any difficulty from the employment of the New Zealand troops during that period. There is little doubt that volunteers would be forthcoming if a comparatively small number of troops were required for a longer period. My Ministers will be glad if they could be informed as soon as possible if the Imperial Government consider further powers necessary so that matter can be dealt with during next session of Parliament.

(3) New Zealand will be able to absorb large numbers of troops rapidly on the conclusion of the War, but the number which can be dealt with efficiently by the New Zealand organizations is limited to 2,500 per week.

(4) New Zealand Defence Department submitted memorandum dated 1st October last to Godley and Richardson. My Ministers would be glad if Richardson could be asked for a copy by the Army Council.—LIVERPOOL.

PARAPHRASE OF TELEGRAM FROM THE GOVERNOR-GENERAL OF CANADA TO THE SECRETARY OF STATE FOR THE COLONIES.

(Received, Colonial Office, 2.6 a.m., 14th January, 1917.)

13TH JANUARY. Your cipher telegram 27th December last, respecting demobilization of Dominion contingents. Firstly, contingents should go straight home, but some of the men from the old country will probably wish to visit United Kingdom before they return to Canada. Secondly, legislation will not be necessary. Thirdly, Canadian Government has power under terms of enlistment to require service for six months after the War, but it is considered that this power should not be exercised except for Canadian military purposes. Fourthly, no obstacle, provided that reasonable notice given. Return should be early and as rapid as possible.—DEVONSHIRE.

PARAPHRASE OF TELEGRAM FROM THE GOVERNOR-GENERAL OF THE COMMONWEALTH OF AUSTRALIA TO THE SECRETARY OF STATE FOR THE COLONIES.

(Received, Colonial Office, 8.42 a.m., 5th February, 1917.)

WITH reference to your telegram of 27th December, regarding procedure to be adopted when time comes for demobilization of Dominion contingents, Commonwealth Government submits following replies to Army Council's inquiries:—

First, the matter as to whether troops should return via (England) is left entirely at the discretion of the Imperial Government, but Commonwealth Government desire that the return of troops to Australia should be as early and as rapid as possible.

Secondly, as to possibility of difficulty arising respecting terms of enlistment during period between end of the War and arrival of men in Australia. This matter has been borne in mind by the Commonwealth Government, and it is proposed to provide legislation to meet this contingency.

Thirdly, no difficulty will arise in respect to terms of enlistment of men, as legislative action will be taken, but troops required to remain would, it is thought, require to volunteer and to be re-enlisted for this purpose.

Fourthly, there are no obstacles in Australia to men being sent back as soon as, and in as large numbers as, transport will permit, but Commonwealth Government desire War Office to insist on adequate precautions being taken to obviate overcrowding, such as unfortunately happened after South African War.

It is particularly desired that each Australian division should possess a complete outfit of serviceable rifles, guns, ammunition, and war equipment generally of latest pattern on returning.—MUNRO-FERGUSON.

TELEGRAM FROM THE GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA TO THE SECRETARY OF STATE FOR THE COLONIES.

(Received, Colonial Office, 3.0 p.m., 9th February, 1917.)

WITH reference to your telegram 27th December, demobilization. Ministers reply as follows:—

(1) There is no objection to the Union contingent being sent back to South Africa direct provided that (a) arrangements are made to send to the Union, if at all possible, a week or two beforehand, or at the latest by the same ship as the men arrive, all requisite pay and record documents with some fifty staff. Two capable Paymasters from Warley to assist Base Paymaster in the Union should be sent on well beforehand, and as many more Pay Staff as can be spared. Command Paymaster, South Africa, states he will be able to increase the staff of the Base Paymaster further as may be requisite; (b) all units and details should be landed at Cape Town and will then be demobilized and paid off at Wynberg. They should not be disembarked at Durban or other Union ports; (c) full details as to procedure for settling with soldiers on discharge at Wynberg should be arranged well beforehand between the record and pay officers in England and the corresponding officers in the Union, so that there should be no hitch or delay in paying

off and discharging men with the greatest possible despatch. It is suggested that advances against pay should be stopped for some period prior to embarkation, which would enable pay books to be brought up to date and avoid difficulty in deduction of late advances. The men should be given ample warning of this, so that they can make their arrangements before embarkation.

(2) No difficulty anticipated, as the terms of engagement are for the duration of the existing War between Great Britain and Germany, and for six months after if services are so long required.

(3) Same answer as at (2) applies.

(4) There are no obstacles if arrangements are made as suggested in the answer to (1).—BUXTON.

## II.

### Uniformity of Military Supply Services.

#### Memorandum prepared in the War Office.

[See discussion on pages 15 to 23 and 27 to 37.]

#### 1.—REMOUNT SERVICE.

(1) *Australia and New Zealand.*—40,472 horses have been supplied with units and as remounts direct to the European theatres of war.

A further large number of horses have been supplied to the Indian Government.

Owing to the necessity of economizing tonnage, the Australian and New Zealand supply of horses to European theatres of war has now been stopped by the Shipping Control Committee, but the supply to India continues.

The drawback to Australia and New Zealand as a source of supply for Europe is the distance and change of hemisphere; for India the supply is invaluable.

Of late years the quality of horses bred in Australia is said to have deteriorated, and steps are now being considered by the Commonwealth Government for reviving it.

From the Imperial aspect, these Dominions are essential for the supply of both riding and artillery horses for India; the value of the North American mule has been so thoroughly vindicated in this War that it appears desirable that Australia and New Zealand should breed them for the Indian Army rather than North America and Argentine.

(2) *Canada.*—17,487 horses were supplied with units and as remounts, and 38,101 horses have been bought by the British Remount Commission.

Considerable numbers have also been supplied by Canada to our Allies.

It is to be regretted that Canada breeds no mules.

Undoubtedly the United States are\* a better source of supply than Canada, both in numbers and in quality.

The use of the Percheron sire, so common in America, evidently produces a better artillery horse than the Clydes and Shires, which are more popular in Canada.

Proposals have often been discussed for the establishment of an Imperial Remount Station in Canada, and the purchase there annually of a certain number of remounts for the British Army.

In the year before the War the Army Council decided definitely that the maintenance of the horse stock of the United Kingdom for the mobilization of the home army is of such paramount importance that no portion of the annual order for remounts can be spared for apportionment to Canada to encourage breeding there.

It is very desirable that Canada should produce more horses suitable for military purposes.

(3) *South Africa.*—40,643 horses and mules have been supplied to the forces engaged in the East African campaign.

Neither the horses nor mules bred in South Africa are generally large enough for military service in Europe.

Before the War artillery horses were sent out every year from England as remounts for the Imperial forces in South Africa.

(4) *India.*—100,693 horses and mules have been supplied from India to the British and Indian forces in France, Egypt, Mesopotamia, and East Africa.

It must not be supposed that all these animals emanate from India; a large proportion of the horses are Australian, and many of the mules are Argentine, and some even are North American.

\* SECRETARIAT NOTE.—The original wording was "America is." The changes were introduced at the wish of Sir R. Borden. (See page 2.)



## 2.—VETERINARY SERVICES.

The Colonies were asked to assist by sending suitable veterinary surgeons, and all have contributed.

The average annual mortality from disease and injuries among all animals of British forces at home and overseas continues to be under ten per cent. per annum, a record far surpassing that of any previous campaign. The average mortality on horse and mule freightships and transports conveying animals from Canada and America to England and Mediterranean ports, and elsewhere, has been for eighteen months less than one per cent., and hardly exceeds this figure for the whole War.

## 3.—DEPARTMENT OF THE CHIEF INSPECTOR-GENERAL OF QUARTERMASTER-GENERAL'S SERVICES.

The efforts made to carry out the duties allotted to the Chief Inspector of Quartermaster-General's Services are considerably facilitated by the fact that all Imperial troops at home receive a uniform ration in kind or equivalents.

In the case of Colonial troops the issues are differential as compared with those mentioned above, as is also the method of accounting for same.

The differential procedure gives rise to difficulties as regards the detection of waste, and, in some instances, militates against the comfort of the Colonial troops, by reason of their cooks and other officials not being able to make use of standard works on the handling of rations, i.e., manuals of military cookery, dietary, etc., etc.

Having in view the fact that when they take the field overseas they have of necessity to draw the same rations as the Imperial troops, it seems worthy of consideration that all Colonial troops should draw the Imperial service ration from the date of their arrival in England.

## 4.—EQUIPMENT AND ORDNANCE STORES.

As far as the above Directorate is concerned there are two matters which could, perhaps, with advantage be brought before the Imperial War Conference.

The first is the very great importance of preserving, as far as possible, an exact uniformity of design in the equipment and clothing of the whole of the armed forces of the Empire.

This is a matter which has been previously discussed, even so recently as at the Colonial Conference of 1907, when, although it was accepted as essential that the small-arms and machine-guns of the overseas forces should fire the same ammunition as used by the Imperial troops, and as most desirable that these weapons be of the same pattern, it was considered that there was no necessity for a rigid adherence to the patterns in use by the Imperial Regular Army as regards clothing, equipment, harness, saddlery, camp equipment, etc. A short precis of the conference on this point is annexed, marked "A."

The experience of the present War has, however, in this respect, as in many others, necessitated a considerable departure from preconceived notions, and there has been in this War a substantial amount of delay, expenditure, and waste of material which would have been avoided had the equipment and clothing of the whole of the troops drawn both from this country and the overseas Dominions been identical.

~~In this respect the exchange of the whole of the personal equipment of the Canadian forces, transport vehicles, harness, and other details, is well known, and, in addition, rifles of Imperial pattern had to be substituted for those with which they were originally armed, machine-guns to be altered, etc.~~

It is to be observed that before patterns of either technical or general equipment stores, of whatever nature they may be, are adopted by the Imperial forces, most exhaustive trials are carried out, not only by the Regular Army in this country, but also by troops in India and military stations abroad, where climatic and other local conditions may of necessity influence the approval of the design or the contrary.

\* SECRETARIAT NOTE.—This paragraph was cancelled at the wish of the Canadian representatives, with the consent of the Conference. (See pages 30 to 32.)

The general and guiding principle which it is desired to submit is that appropriate steps should be taken to combine the experience of the whole of the Imperial forces in the selection of the most suitable designs of equipment and clothing, and that the designs thus selected should be adopted throughout the Empire with such variations alone as are necessitated, as regards clothing, by differences of climate and other local conditions.

One of the most important objects of patterns being of universal design throughout the Empire is to ensure the possibility of replacement of components or spare parts, and of general maintenance in the field.

This factor has been most strongly marked in the present War, where troops of the Dominions have been employed first in one field of operations and then in another, necessitating the movement of material between distant parts which would otherwise have been unnecessary.

The mere movement of Dominion forces from one part of the line to another may transfer them from the supply area of one line of communication to another, which in itself would lead to similar unnecessary transfer of material.

Of equal importance with the uniformity of design in the equipment and clothing themselves is the necessity for uniformity of method in their provision and distribution to the armies in the field.

It has been necessary in this War, and will be necessary in any operations in which Imperial and overseas troops are engaged together, that troops from this country and from the Dominions should be dependent upon the same sources of supply and distribution in the field. It must also be remembered that the ordnance services are not confined to the provision and supply of arms, ammunition, equipment, and clothing, but embody technical factory organizations from mobile workshops for the repair of guns and material in the firing line, to workshops at the bases for the repair of all the many and varied supplies, from machine-guns to boots, which are requisite for the maintenance of armies in the field. Under such circumstances the working of the ordnance services as a whole would be most substantially improved, both in efficiency and economy, if the whole of the personnel were trained on the same method and according to the same principles. To this end it should become an established practice for officers of the ordnance service from all parts of the Empire to be attached for adequate periods to the Imperial Ordnance Department, in order that they may learn the methods of that Department, which will doubtless profit at the same time by the infusion of many new and valuable ideas.

## "A."

## PRECIS OF THE PROCEEDINGS OF THE COLONIAL CONFERENCE, 1907.

[Cd. 3524], page 28.

*Patterns and Provision of Equipment and Stores for Colonial Forces.*

PAPER prepared by Quartermaster-General and Master-General of the Ordnance, 21st March, 1907.

Question divides itself into two headings:—

- (1) Pattern to be provided
- (2) Reserve to be maintained.

(1) *Pattern.*—(a) *Small-arms and Machine-guns.*—It is essential that small-arms and machine-guns should fire the same ammunition as supplied to troops from the United Kingdom.

(b) *Clothing, Accoutrements, Harness, Saddlery, Camp Equipment, etc.*—There is no necessity for a rigid adherence to the patterns in use in the Regular Army, provided the articles are of such materials and such a design as to be equally useful.

It would be well for samples of all patterns which Colonial Governments propose to adopt to be submitted to the War Office for record.

These proposals were in general terms accepted by all the members of the Conference.



## III.

THE CANADIAN MINISTER OF OVERSEAS MILITARY FORCES TO THE SECRETARY OF THE IMPERIAL WAR CONFERENCE.

[See discussion on pages 21-23.]

DEAR SIR, 19, Victoria Street, London, S.W., 19th April, 1917.

At the meeting of the Conference on 26th March, a memorandum of the British Quartermaster-General's Department was discussed, which, among other things, referred to the question of rations. We have had this matter considered by the Canadian Quartermaster-General, and now wish to submit a few observations regarding it. These are covered by a memorandum of which I enclose three copies, so that it may appear on the files of the Conference. May I ask that you will kindly send one of the copies to the Quartermaster-General at the War Office?

Yours very truly,

GEORGE H. PERLEY.

Enclosure in III.

MEMORANDUM.—MILITARY RATIONS.

London, 12th April, 1917.

With regard to paragraph 3 of the memorandum (12542) from the Quartermaster-General's Department, dated the 8th March, 1917, and distributed to the members of the Imperial War Conference, the Canadian representatives wish to offer the following observations.

A uniform ration for all troops in England could only be agreed to by prior consultation and common consent. At the present time, in the opinion of the Canadian Quartermaster-General, the advantages being derived from the varied ration issued to the Canadian troops over the method adopted in the British service are sufficient to warrant the belief that both economy and efficiency will be served by continuing the present arrangement.

This gives rise to no difficulties in the detection of waste, but, on the contrary, owing to the issue being standardized, effective checking up of by-product returns is made possible, and any unit falling below the proper average can be quickly detected.

The expenditure of the 5½d. per diem allowance by individual Quartermasters, which is the Imperial arrangement now in force, was given a thorough trial for many months by the Canadian troops, so that the present opinion is the result of actual comparison with the other system. Reports from the Canadian areas all express satisfaction with the change brought about by the introduction of the varied ration, and it is felt that, as a result of the present system, the men are better fed, their food is more varied, and greater economy in the quantity of food consumed is secured.

For these reasons it is not considered advisable that the Canadians should draw the Imperial service ration here as suggested in the memorandum.

## IV.

## War Medals.

Memorandum by the Army Council.

[See discussion on pages 37 to 51 and 231 to 256.]

THE Army Council, having had under consideration the question of war medals, suggest that the following principles should govern the award of these medals at the end of the War:—

- (1) That an International medal should be given to all officers and soldiers who entered a theatre of operations in pursuance of military duty.
- (2) That this medal should be of a special design with a ribbon common to all the Allies.
- (3) That each Allied Government should award this medal according to its own rules on the subject.

- (4) That, in addition, there should be a purely British medal and ribbon, different in design and colour from the International medal and its ribbon, for all officers and soldiers of His Majesty's military forces who have not entered a theatre of operations.
- (5) That those who receive the International medal should also be eligible to receive the British medal.
- (6) That clasps differing in design should be issued with each medal.
- (7) That the clasps should not record actions or localities, but only the calendar years of the duration of the War, and one clasp should be given for each year or part of a year.
- (8) That a holder of both medals should have one clasp only of each year. Any period of a year, however short, in a theatre of war to entitle a soldier to a clasp on his International medal.
- (9) That members of the Royal Navy taking part in combined naval and military operations should receive the International medal within the conditions of paragraph (1) above.
- (10) That the clasp "1914" of the International medal will be of itself a sufficient indication of the services rendered by the original Expeditionary Force, and it will, therefore, not be necessary to make a special distinction in favour of that force. Nor would it be advisable so to limit such a distinction, as some troops other than those of the six divisions and one cavalry division, forming technically the Expeditionary Force, shared these services.

R. H. BRADE.

War Office,

5th March, 1917.

## V.

## War Medals.

Despatch from the Governor-General of the Commonwealth of Australia to the Secretary of State for the Colonies.

[See discussion on pages 37 to 51 and 231 to 236.]

(No. 47.)

SIR,

Governor-General's Office, Melbourne, 6th February, 1917.

I HAVE the honour, at the instance of my Prime Minister, to inform you that the Commonwealth Government would be glad if, when the question of the issue of war medals is engaging attention, consideration could be given to the provision of some suitable decoration commemorative of the Gallipoli campaign, in which the Australian troops made their entry into the European War.

I have, &c.,

R. M. FERGUSON,

Governor-General.

## VI.

## Control of Imports.

The Treatment during the Transitional Period after the War of Goods originating in present Enemy Countries.

Memorandum by the Board of Trade.

[See discussion on pages 93 to 111.]

THE resolutions of the Economic Conference of the Allies, held in Paris in June, 1916, which have been approved by His Majesty's Government,† include the following:—

"In order to defend their commerce, their industries, their agriculture, and their navigation against economic aggression resulting from 'dumping,' or any other mode of unfair competition, the Allies decide to fix by

† See [Cd. 8271].



agreement a period of time during which the commerce of the Enemy Powers shall be submitted to special treatment, and the goods originating in their countries shall be subjected either to prohibitions or a special regime of an effective character.

"The Allies will determine, by agreement through diplomatic channels, the special conditions to be imposed during the above-mentioned period on the ships of the Enemy Powers."

In an Interim Report, dated 9th November, 1916,\* which has been communicated to the Governments of the Dominions and India, the Committee on Commercial and Industrial Policy have recommended that the present regime, whereby importation of goods of enemy origin is prohibited, should be continued, subject to licences in exceptional cases, for a period of at least twelve months after the conclusion of the War, and subsequently for such further period as His Majesty's Government may deem expedient.

In support of their recommendation the Committee point out that it is reasonable to assume that some of the German industries to which the United Kingdom market was important before the War, and which are now threatened by British competition developed during the War, will adopt every possible measure to overthrow that competition and to re-establish their position, and that it is desirable that British industries should be given as much security as possible during the period of transition from war to normal peace conditions. They are of opinion that for this purpose the procedure of prohibition, subject to licence in exceptional cases, is likely to be most efficient, and will certainly be the most readily applicable immediately on the conclusion of the War. It involves a system of certificates of origin for goods not of present enemy production, but the Committee assume that it will not be necessary to require such certificates in the case of all classes of goods imported into the United Kingdom or of goods from all countries, and they suggest that it would be sufficient if consular certificates of origin were required, in respect of all goods imported from European countries, with the possible exception of present Allies (if satisfactory arrangements could be made), and declarations (subject to challenge by the Customs) were required from importers in the case of goods from other foreign countries.

It would be necessary for some Government department to have the power (as at present) to grant exemptions by licence in special cases where the department is satisfied that importation is desirable in the national interest, subject to such conditions as may be thought necessary.

Legislative authority will be necessary to enable His Majesty's Government to give effect to these recommendations, and a draft Bill for the purpose has been prepared.† It is, however, desirable that there should, so far as possible, be uniformity of action in this respect throughout the British Empire, and that a decision as to the policy which the United Kingdom, the Self-governing Dominions, and India would be prepared to adopt should be taken before His Majesty's Government enter upon discussions with the Allied Governments as to the precise nature of the action to be taken in pursuance of the Paris resolution quoted above, and the period of its duration.

It will be seen that the Bill deals not only with the control of imports, but also with that of exports, and thus gives the necessary powers to take any action which may be thought necessary in pursuance of the Committee's Second Interim Report. (See "Memorandum on the Control of Exports.")

Board of Trade,  
March, 1917.

\* "Interim Report on the Importation of Goods from the present Enemy Countries after the War." (See Appendix I.)

† Imports and Exports Restriction Bill. (See Appendix II.)

## APPENDIX I. TO VI.

### COMMITTEE ON COMMERCIAL AND INDUSTRIAL POLICY.

#### INTERIM REPORT ON THE IMPORTATION OF GOODS FROM THE PRESENT ENEMY COUNTRIES AFTER THE WAR.

To the Right Honourable H. H. ASQUITH, K.C., M.P.,  
Prime Minister.

SIR,

1. We have the honour to report that at the commencement of the task entrusted to us by our Terms of Reference, our attention has been drawn to the widespread desire for some early and definite statement of the intentions of His Majesty's Government as to the treatment of imports into the United Kingdom from the present enemy countries in the period immediately following the conclusion of the War; and we have, therefore, thought it advisable to take this matter into our immediate consideration.

2. In so doing, we have had before us the Resolutions bearing on this matter which were adopted by the Economic Conference at Paris, and the views of the Departmental Committees appointed by the Board of Trade to consider the position of certain important branches of British industry after the War; and we have also had the advantage of evidence from the Board of Trade and Board of Customs and Excise on some of the administrative questions involved.

3. The Resolutions of the Paris Economic Conference, which are specially relevant to the point now under consideration, are included in the "Transitory Measures for the Period of Commercial, Industrial, Agricultural, and Maritime Reconstruction of the Allied Countries" and are as follows:—

#### B II.

"Whereas the War has put an end to all the Treaties of Commerce between the Allies and the Enemy Powers, and whereas it is of essential importance that, during the period of economic reconstruction which will follow the cessation of hostilities, the liberty of none of the Allies should be hampered by any claim put forward by the Enemy Powers to most-favoured-nation treatment, the Allies agree that the benefit of this treatment shall not be granted to those Powers during a number of years to be fixed by mutual agreement among themselves.

"During this number of years the Allies undertake to assure to each other, so far as possible, compensatory outlets for trade in case consequences detrimental to their commerce result from the application of the undertaking referred to in the preceding paragraph."

#### B IV.

"In order to defend their commerce, their industry, their agriculture, and their navigation against economic aggression resulting from dumping or any other mode of unfair competition, the Allies decide to fix by agreement a period of time during which the commerce of the Enemy Powers shall be submitted to special treatment, and the goods originating in their countries shall be subjected either to prohibitions, or to a special régime of an effective character.

"The Allies will determine, by agreement through diplomatic channels, the special conditions to be imposed during the above-mentioned period on the ships of the Enemy Powers."



4. The fact that the Resolutions of the Economic Conference have been approved by His Majesty's Government makes it unnecessary for us to discuss the principle of the differential treatment of imports from the present enemy countries during the Reconstruction Period, and enables us to assume that for a substantial period after the conclusion of hostilities His Majesty's Government will decline to enter into any arrangement which would deprive them of complete freedom to treat goods from those countries in such a manner as they might deem expedient at any given time.

5. Pending the evolution of a scheme for the settlement of the general commercial policy of the country after the War, upon which we are at present engaged, it appears to us that a definite announcement on the limited matter dealt with in our present report would be generally welcome, having regard to (a) the widespread feeling that the military operations of Germany during the War, and the seizures of plant and materials in the occupied territories, have been largely directed towards delaying the economic recovery of the Allies after the War, and that strong counter-measures may properly be taken; (b) the fact that it is reasonable to assume that some of the German industries to which the United Kingdom market was important before the War, and which are now threatened by British competition developed during the War, will adopt every possible measure to overthrow that competition and to re-establish their position; and (c) the advisability of giving British industry as much security as possible during the period of transition from war to normal peace conditions.

6. Further, a definite and public decision on this particular matter appears to be immediately practicable, since it does not seem to us necessarily to raise any of the difficult and delicate questions as to the commercial relations of the United Kingdom with the British Dominions beyond the Seas, nor the terms of our Treaties with our Allies and with present Neutrals, which are involved in the consideration of the general problem. We believe, also, that there will be little difference of opinion amongst the people of the United Kingdom upon the policy involved during the Transitory Period. Many questions affecting general trade policy will have to be considered and dealt with. These will be the subject of the Committee's deliberations without any avoidable delay, and the recommendations which are now put forward are not to be regarded as committing us to any special line of policy beyond the period to which they refer.

7. On careful consideration of the whole matter, we are of opinion that the procedure of prohibition, subject to licence in exceptional cases, is likely to be most efficient, as it will certainly be the most readily applicable, immediately on the conclusion of the War. It involves, of course, a system of Certificate of Origin for goods not of present enemy production, but it would presumably not be necessary to require such certificates in the case of all classes of goods imported into the United Kingdom, or of goods from all countries. We think it would be sufficient if Consular Certificates of Origin were required in respect of all goods imported from European countries (with the possible exception of present Allies, if satisfactory arrangements could be made), and declarations (subject to challenge by the Customs) were required from importers in the case of goods from other foreign countries.

8. We recognise that there would probably be special cases in which it would be advisable to allow the importation of goods of present enemy origin, and in the event of the system of prohibition being adopted it would be necessary for some Department of Government to be vested with the power to grant licences for such importation, it being understood that such licences would be granted only in cases where the Department was satisfied that importation was essential in the national interest and that the licences would be subject to such restrictions and conditions as the Department might think proper to impose.

9. There remains the question of the duration of this system. The Resolution of the Paris Economic Conference, already quoted, contemplates a period to be fixed by agreement among the Allies. Whatever the ultimate decision as to the duration of the differential treatment of enemy goods may be, we are of opinion that the period of prohibition should be at least 12 months, and His Majesty's Government should retain full liberty to prolong the period to whatever extent may be found expedient. The existence of the power to license would make it possible

to mitigate the régime gradually, and thereby to prepare the way for the substitution of tariff treatment for prohibition, should that course be thought advisable, in the later stages of the Reconstruction Period.

10. We, therefore, recommend that the present régime, whereby importation of goods of enemy origin is prohibited, should be continued, subject to licence in exceptional cases, for a period of at least 12 months after the conclusion of the War, and subsequently for such further period as His Majesty's Government may deem expedient.

11. In subsequent Interim Reports we propose to deal with the question of the treatment of exports to enemy countries and with the problem of Shipping, as to which we are awaiting the Report of the Committee on Shipping and Shipbuilding appointed by the Board of Trade.

We have the honour to be, Sir,

Your obedient servants,

(Signed) BALFOUR OF BURLEIGH (*Chairman*).  
ARTHUR BALFOUR.  
HENRY BIRCHENOUGH.  
FARINGDON.  
H. GOSLING.  
RICHARD HAZLETON.  
C. G. HYDE.  
ALBERT H. ILLINGWORTH.  
ALEXANDER McDOWELL.  
JOSEPH PATON MACLAY.\*  
W. S. McCORMICK.  
ALFRED MOND.  
JOHN O'NEILL.  
CHARLES A. PARSONS.  
ARTHUR F. PEASE.\*  
R. E. PROTHERO.  
RHONDDA.\*  
G. SCOBY SMITH.  
FREDERICK SMITH.  
GEO. J. WARDLE.

PERCY ASHLEY, } Secretaries.  
G. C. UPCOTT, }

9th November, 1916.

\* Subject to the appended reservation.

RESERVATION BY LORD RHONDDA, SIR JOSEPH MACLAY, AND MR. ARTHUR PEASE.

We agree with the Report, except in so far as it provides (paragraph 9) that prohibition of imports subject to licence should continue for a period of at least 12 months. We do not consider it to be practicable at this time, even if it were thought desirable, to fix any definite duration of the period of general prohibition, and we are of opinion that it must be left to His Majesty's Government to determine when the prohibition should cease.

(Signed) RHONDDA.  
JOSEPH PATON MACLAY.  
ARTHUR F. PEASE.



## MEMORANDUM BY SIR ALFRED BOOTH.

I regret that I am not able to sign the above Report for the following reasons:—

1. Prohibitions of imports from enemy countries, except as a continuation for a very short time of the war régime, could not in practice be insisted on as a condition of peace. If satisfactory terms can be secured in every other respect, including disarmament and indemnities, it is difficult to suppose that the country would be willing to go on fighting for prohibition alone. There can be little doubt that our Allies would be opposed to such a policy.
2. Prohibition of imports could not be maintained effectively for such a long period as is recommended in the Report. The premium on evasion would be too high, and it is admitted that the best system of Certificates of Origin cannot be made watertight.
3. The Report admits that prohibition could not be made absolute but should be qualified by a system of permits to import under licence. There are grave commercial and political objections to a system whereby the power to grant licences would be entrusted to a Government department. If it is intended that Parliament should determine what articles should be exempt from the prohibition and under what conditions their importation should be allowed, then the recommendation of a licensing system is merely an evasion of the difficulty.
4. No attempt has been made by the Committee to examine what effect a régime of prohibition of imports from enemy countries would have either on our general home trade or on our general export trade. Such an examination might result in the rejection of the policy in our own interests.
5. My conclusion, therefore, is that general prohibition of imports from enemy countries during the period of reconstruction should be rejected, except as a possibly necessary stepping stone from the régime of war to the régime of peace, and that it is now the business of the Committee to examine the details of our export and import trade with enemy countries with a view to determining to what extent the objects of the Paris Economic Conference, in so far as they relate to the period of Reconstruction, can be attained by means of a tariff.

(Signed) A. A. BOOTH.

## MEMORANDUM BY MR. HEWINS.

I dissent from this interim Report. I think that the general prohibition, tempered with licences, of enemy trade after the War is impracticable. Differentiation against enemy trade would include the prohibition of particular articles, but it is not possible to formulate this policy with sufficient definiteness for action until some decision is reached upon the policy to be adopted with regard to the Dominions, the Allies, and neutral countries.

(Signed) W. A. S. HEWINS.

November 10th, 1916.

## APPENDIX II.

## IMPORTS AND EXPORTS (RESTRICTION) BILL.

*Memorandum.*

THE present powers of His Majesty as to prohibiting the importation and exportation of goods are as follows:—

- (1) Under the Customs Consolidation Act he has power by Proclamation or Order in Council to prohibit the importation of any goods, but not to prohibit the importation of goods of any specified origin.
- (2) Under Section 8 of the Customs and Inland Revenue Act, 1879, he has power to prohibit absolutely the exportation of certain specified goods (arms, etc.), and this power has been extended by the Customs (Exportation Prohibition) Act, 1914, to all goods of any description, but the extension has effect only while a state of war exists.
- (3) Under the Exportation of Arms Act, 1900, he has power to prohibit the exportation of certain specified goods to any country or place named in the order, and this power has been extended—
  - (a) to the exportation of all goods of any description by the Customs (Exportation Restriction) Act, 1914; and
  - (b) to the exportation of goods to any such country or place unless consigned to particular individuals by the Customs (Exportation Restriction) Act, 1915.

The extension has effect only whilst a state of war exists.

The result is that immediately the War terminates there will be no power (1) to prohibit importation of goods of a particular origin; or (2) to prohibit exportation except in the case of certain specified classes of goods; and most of the Proclamations and Orders relating to exports which have been made during the War, under the above-mentioned Acts, will cease to have effect.

The practical effect of the present Bill is to continue for a period of five years [*qu. twelve months*] after the termination of the War, the powers which His Majesty has possessed and exercised during the War, adding, as regards importation, the power to prohibit the importation of goods of a particular origin. It is proposed to effect this by an entirely fresh enactment with a saving for orders, etc., made under the existing enactments, rather than by continuing the operation of those enactments.

(7 Geo. 5.)

DRAFT OF A BILL TO CONTINUE WITH MODIFICATIONS, FOR A PERIOD OF FIVE YEARS [*qu. twelve months*] AFTER THE TERMINATION OF THE PRESENT WAR, CERTAIN POWERS IN RELATION TO IMPORTS AND EXPORTS.

A.D. 1917

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) His Majesty may by Proclamation or Order in Council prohibit the importation or exportation of goods of any class, description, or origin specified in the Proclamation or Order, either generally or from or to any country or place named in the Proclamation or Order, or subject to such exceptions as may be specified in the Proclamation or Order.

Restriction of imports and exports.

(2) Any Proclamation or Order made under this section may be varied or added to by order made by the Lords of the Council on the recommendation of the Board of Trade.

(3) Any Proclamation, or Order in or of Council, made during the present War, and in force at the date of the termination thereof, prohibiting or restricting the importation or exportation of goods, shall, as from the said termination, continue in force and have effect as though it had been made under this section.

(4) This section shall have effect as though it were included in the Customs Consolidation Act, 1876; and the provisions of that Act, and of any Act amending or extending that Act, shall apply accordingly; and if any person ships, or attempts

39 & 40 Vio. cap. 36



to ship goods in contravention of any Proclamation or Order made under this Act with respect to exportation, he shall be liable to the same penalty to which a person is liable under section one hundred and eighty-six of that Act, for illegally importing goods the importation of which is prohibited.

(5) This section shall continue in operation until the expiration of a period of five years [*qu.* twelve months] after the termination of the present War.

(6) The powers conferred by this section shall be in addition to and not in derogation of any other powers of His Majesty whether conferred by statute or otherwise.

Short title.

2. This Act may be cited as the Imports and Exports (Restriction) Act, 1917.

## VII.

### Control of Exports.

The Control of Exports during the Transitional Period after the War, with a view to the Conservation of the Resources of the Empire and the Allied Countries.

#### Memorandum by the Board of Trade.

[See discussion on pages 93 to 111.]

THE Economic Conference of the Allies, held in Paris in June, 1916,\* adopted the following resolutions:—

"The Allies declare their common determination to ensure the re-establishment of the countries suffering from acts of destruction and spoliation and unjust requisition, and decide to join in devising means to secure the restoration to those countries, as a prior claim, of their raw materials, industrial and agricultural plant, stock, and mercantile fleet, or to assist them to re-equip themselves in these respects."

"The Allies declare themselves agreed to conserve for the Allied countries, before all others, their natural resources during the whole period of commercial, industrial, agricultural, and maritime reconstruction, and for this purpose they undertake to establish special arrangements to facilitate the interchange of these resources."

These resolutions, and the steps to be taken to give effect to them, are fully discussed in the Second Interim Report of the Committee on Commercial and Industrial Policy, dated 14th December, 1916, which has been communicated to the Governments of the Dominions and India.† It will be seen that the Committee recommend that a policy of controlling exports during the transitional period immediately following the War should be applied to carefully selected materials, the exports of which to enemy countries before the War were mainly derived from the British Empire and the Allied countries, and the available supply of which will be wholly or mainly required by the British Empire and the Allies immediately after the War.

The Committee are of opinion that it would not be practicable or advisable to attempt to prevent present enemy countries from obtaining materials as regards which the British Empire and Allies will not be in a position to absorb the greater part of their production. To do so would involve the continuance after the War of the system of rationing neutral countries, and of exacting stringent guarantees of the ultimate destination of exports, which, whilst practicable during the War and acquiesced in by neutrals as part of the blockade policy, would be inexpedient and probably impracticable in time of peace; and it is also very desirable that interference with the export trade of the various parts of the Empire to countries outside the Empire should be limited to cases in which it is clearly required by public interest.

\* See [Cd. 8271].

† "Interim Report on the Treatment of Exports from the United Kingdom and British Overseas Possessions, and the Conservation of the Resources of the Empire during the Transitional Period after the War." (See Appendix 1.)

The Committee recommend accordingly that His Majesty's Government should seek powers from Parliament to prohibit during the period of reconstruction immediately following the War the export to all or any destinations, except under licence, of such articles as may be deemed expedient, and that such prohibition should be in force for a period of at least twelve months, and should be exercised so as to secure that the requirements of the British Empire and Allied countries are first satisfied, and export of the surplus to neutral countries should be permitted. The commodities to which the Committee have specially directed attention are:—

- (a) Raw cotton;
- (b) Cotton yarn;
- (c) Raw wool;
- (d) Wool tops;
- (e) Worsted, mohair, and alpaca yarns;
- (f) Raw jute;
- (g) Coal;
- (h) Machinery (certain kinds);
- (i) Oil seeds and nuts.

The Committee also consider that it will probably be necessary to extend the control which they recommend to a number of metals and minerals, but they have not made any definite suggestions in this respect. Examples of ores and minerals to which the policy might be applied are wolfram (tungsten), bauxite (aluminium), chrome, zinc, nickel, and monazite sand (thorium nitrate). A commodity of importance to the electrical industries is mica.

The Committee suggest that, in view of the importance of the materials of which the whole or the greater part of the world's supply is derived from the British Empire, His Majesty's Government should be in an advantageous position, with the co-operation of the Governments of the Self-governing Dominions and India, to negotiate with the Allied Governments with a view to arrangements as regards commodities which those Governments for their part are able to control, such as hides and tanning materials, flax and hemp, certain kinds of timber (from Russia), and metals.

The legislative power to give effect to the Committee's recommendations is conferred by the draft Imports and Exports (Restriction) Bill. The recommendations, however, raise a question not only of Imperial legislation but also of treaty relations, since they involve a differentiation between present Allies and neutral countries. Even if the prohibition of exportation were general in form, it is the essence of the proposal that there should in practice be differentiation in respect of the grant of licences. A prohibition of exportation to neutral countries whilst permitted by licence to Allied countries may be held to conflict with a number of commercial treaties with neutral States which have been given the right to most-favoured-nation treatment in all that relates to exports. Of these countries by far the most important is the United States of America, but there are several other countries with which treaties exist containing an article giving the reciprocal right to most-favoured-nation treatment in all that relates to exportation. The question of the situation that would arise in respect of these treaties if the Committee's recommendations were adopted is one of considerable difficulty. If it be held that such action is in conflict with the treaties the measures recommended by the Committee might possibly be defended on the ground that they were merely transitory steps rendered necessary in consequence of the War; but it is probable that neutral countries would not accept this plea, and some, at all events (including the United States, if still neutral) might take action by way of reprisal. The whole question therefore raises a very important problem of foreign policy.

Should the difficulties indicated in the preceding paragraph be overcome, it is of the highest importance to know if the Governments of the Dominions and India, which are even more deeply affected by these recommendations than the United Kingdom, would be prepared to co-operate in giving effect to them, before the matter is discussed with the Governments of the Allies with a view to ascertaining the possibility of common action.

Board of Trade,  
March, 1917



## APPENDIX I.

### COMMITTEE ON COMMERCIAL AND INDUSTRIAL POLICY.

#### INTERIM REPORT ON THE TREATMENT OF EXPORTS FROM THE UNITED KINGDOM AND BRITISH OVERSEAS POSSESSIONS AND THE CONSERVATION OF THE RESOURCES OF THE EMPIRE DURING THE TRANSITIONAL PERIOD AFTER THE WAR

To the Right Honourable D. LLOYD GEORGE, M.P., Prime Minister.

SIR,

WE have the honour to present a second Interim Report, and in it we deal with the treatment of Exports from the United Kingdom and British Overseas Possessions, and the Conservation of the resources of the Empire during the Transitional period after the war.

#### PART I.

In our first Interim Report we have recommended that the present regime, whereby the importation of goods of enemy origin is prohibited, should be continued for a period of at least 12 months after the War, subject to license in exceptional cases. This regime will most probably, apart from any other measures, have as one result the restriction to a considerable extent of the export trade from this country to the present enemy countries; but it would not necessarily prevent them from obtaining such goods as they may seriously need. Given adequate evidence of origin the prohibition of imports from the enemy countries is a comparatively simple matter for a limited period, but it will at once be apparent that the problem of controlling exports is much more difficult and complicated, not only because a simple prohibition of export to the present enemy countries will be insufficient to effect its object, but also because to secure the success of a restrictive policy it will be necessary to seek the co-operation of the Governments of the Dominions and Colonies, and in certain cases also of the Allied Powers.

#### 2. The problem presented to us involves the following considerations:—

- (1) The extent to which the competition of enemy trade can be affected by restriction of exports from the United Kingdom.
- (2) The danger of shortage of important commodities produced in Great Britain or the Empire, or stored therein during the war, which might be required for provisioning the population and maintaining manufactures.
- (3) The supply of the Allies for the restoration of their industries as laid down in Resolution B. III. of the Transitory Measures of the Paris Conference.

As regards (1) the Committee is unanimously desirous of doing everything practicable during the transitional period to prevent the enemy countries from obtaining an unfair advantage over the British Empire and over our Allies, whose industries have been seriously damaged. We feel, on the other hand, that to take steps of an ineffective and merely vexatious character would be neither dignified nor useful. It is obvious that effective control can only be exercised over products in which Great Britain and the British Empire have a virtual monopoly. Any attempt to restrict the exportation of products in which this is not the case would merely tend to develop the supplies from other sources, and might have far-reaching effects detrimental to British trade after the conclusion of the transitional period.

As regards (2) the first and most obvious course would be to continue the present regime so far as enemy countries are concerned, that is a general prohibition of exports from the United Kingdom to enemy countries, exceptions being permitted only under licence. This policy, although superficially attractive, presents the difficulty that, if exports to neutral countries are permitted without restriction, enemy traders will be able to provide themselves through such sources at little, if any, additional expense. Unless it be proposed to continue a system of rationing neutral countries such a policy would merely have the effect of appearing to do something, while in reality achieving no useful result.



3. The Resolutions adopted at the Economic Conference held at Paris bearing upon the matter are Numbers B I. and III. of the Transitory Measures.

#### B. I.

"The Allies declare their common determination to ensure the re-establishment of the countries suffering from acts of destruction and spoliation and unjust requisition, and decide to join in devising means to secure the restoration to those countries, as a prior claim, of their raw materials, industrial and agricultural plant, stock and mercantile fleet, or to assist them to re-equip themselves in these respects."

#### B. III.

"The Allies declare themselves agreed to conserve for the Allied countries, before all others, their natural resources during the whole period of commercial, industrial, agricultural and maritime reconstruction, and for this purpose they undertake to establish special arrangements to facilitate the interchange of these resources."

4. It appears to us that effect cannot be given to these Resolutions unless export restrictions are placed during the transitory period upon a certain number of important articles.

We consider that any measures undertaken for the purpose should aim at assuring to the British Empire and the Allies priority for their requirements and at preventing the present enemy countries from gaining by the use of such materials an initial advantage in the competition to recover markets which will follow the war.

5. It will be found that the British Empire and the Allies are in a position, if practicable measures can be jointly devised, to attain these objects in respect of many important commodities. The situation in this connection is illustrated by the figures given in Table I. appended to this Report showing materials for which Germany is mainly dependent on the British Empire and Allied Countries. The subsequent Tables show the percentages of the total German imports of these materials in 1912 which were obtained:—

- IA. From the United Kingdom.
- IB. From the British Empire.
- IC. From the British Empire and Allied Countries.
- ID. From Allied countries (excluding the British Empire).

Similar tables are also added with reference to Austro-Hungarian imports.

If the position of the United Kingdom be considered separately, it will be found that of the exports from the United Kingdom to Germany before the war roughly four-fifths were comprised under the headings of Textiles, Coal, Metals, Iron and Steel Manufactures (including Machinery), and Fish, and that of this amount a considerable proportion was imported by Germany for use as raw materials, or for further manufacture. In the case of the raw materials and partly manufactured articles set out in Table IA an appreciable percentage of the total imports into Germany consisted of products of the United Kingdom.

6. But the figures contained in the Tables referred to will show that the question cannot usefully be considered in relation to exports from the United Kingdom only, and it will be necessary to consider whether any arrangements for the purposes indicated in paragraph 4 can also be applied to materials, an important proportion of which was imported by Germany before the War from parts of the British Empire other than the United Kingdom and from Allied countries. It is obvious that action taken by the United Kingdom alone would be of minor importance, and that any effective arrangements on a larger scale will require the consent and co-operation of the Governments of India, the Dominions and Colonies, and of those of our Allies who will be concerned.

7. We understand that Resolution B. III. was agreed to by the representatives of the Government at the Paris Conference, subject to our Commercial Treaty obligations towards neutrals, and on the understanding that each material would be considered separately. In view of the varying circumstances we are of opinion that it will be necessary to consider separately, as regards each material with which it is thought desirable to deal, what methods can be most appropriately applied for the purposes in view, either by the British Government acting so far as the United

Kingdom is concerned, or by arrangement between the British Government and the Governments of the Dominions and Allies.

8. After considering the subject in all its bearings we have come to the conclusion that a policy of controlling exports during the transitory period immediately following the war can and should be applied to carefully selected materials, the imports of which into the enemy countries before the war were mainly derived from the British Empire and Allied Countries, and the available supply of which will be wholly or mainly required by the British Empire and the Allies immediately after the war.

9. We do not consider that it would be either practicable or expedient to attempt to prevent the enemy countries from obtaining materials, as regards which the British Empire and the Allies will not be in a position to absorb the greater part of their production. To do so would involve the continuance after the war on an elaborate scale of the system of rationing neutral countries, and of exacting stringent guarantees of the ultimate destination of exports which has been partially applied during the war. Under the exceptional conditions prevailing in war it is possible by means of the sea-power of Great Britain, and the consequent restriction of shipping to induce some of the neutral states to accept such a limitation of their trading rights; but we are of opinion that an attempt to continue such a general arrangement after the war would raise questions of great international difficulty, and we have the gravest doubt whether it could, under any circumstances, be made practically effective when the ordinary channels of commerce among the other nations of the world are freely open.

It is also very desirable that interference with the export trade of this country after the war should be limited to cases in which it is clearly required by the public interest.

10. These difficulties will be avoided if control is limited to materials which fall within the description given in paragraph 8.

Their export to the present enemy countries should not be permitted, save under exceptional circumstances, but in view of the fact that the available surplus, if any, will *ex hypothesi* be limited, it will be unnecessary in cases in which export to neutral countries is permitted to attempt any control of the ultimate destination.

11. We proceed to indicate the manner in which the policy already outlined should, in our opinion, be applied to exports from the United Kingdom. We recommend that the Government should seek powers from Parliament to prohibit during the period of reconstruction immediately following the war the export to all or any destinations, except under license, of such articles as may be deemed expedient, and that for a period of at least 12 months the export of the products mentioned in the succeeding paragraphs should be prohibited to all destinations except under license. A similar prohibition of export should also be applied, if necessary, to any other important commodities in the case of which it may be found that there is a danger of shortage. The control thus obtained should be exercised so as to secure that the requirements of the British Empire and Allied countries are first satisfied, and the export of the surplus to neutral countries should be permitted. As regards the general question of the reservation of supplies for ourselves and our Allies during the period of reconstruction, we have had under consideration certain proposals as to the form of the machinery requisite for that purpose, and suggestions on the subject are submitted in Part II. of this Report.

12. The Textiles Committee have recommended the prohibition of export of textiles and the raw or partly manufactured materials for textiles from the British Empire to the enemy countries immediately after the war. We shall refer to the question of Indian and Egyptian cotton, jute, and raw wool in dealing with the position of the British Empire as a whole in this connection. So far as the United Kingdom alone is concerned, we think that a policy of restriction and regulation should be applied to Cotton Yarn, and to Wool Tops, and Worsted, Mohair, and Alpaca Yarns. The export of Cotton Yarn to Germany consisted mainly of finer counts which were used in the manufacture of hosiery, lace, embroidery, gloves, and sewing cotton. Several of these branches of manufacture are, we are told, capable of considerable extension in this country, and such extensions are actually being carried out, and it is believed that during the period immediately following the war the output of such yarns can be absorbed in the United Kingdom and Allied Countries, regard being had in particular to the requirements of France until such time as the fine-spinning machinery of Northern France can be re-established.



Similarly, the output of Wool Tops and Worsted Mohair and Alpaca Yarns, which formerly found a market in Germany, is likely to find compensatory outlets, pending the restoration of the French and Belgian industries.

13. The Coal Trades Committee have stated that they are not prepared at the present stage to recommend the prohibition of the export of Coal to enemy countries after the war. The Committee point out that the exports from the United Kingdom to those countries in 1913 exceeded 10 million tons, largely from the East of Scotland, the Tyne and Humber ports, and that the quantity was a very considerable proportion of the total exports from those areas. It is suggested that to find compensatory outlets for so large a quantity may prove no easy matter, and the witnesses examined by the Coal Trades Committee were disinclined to favour the prohibition of exports to enemy countries unless such outlets could be assured.

That Committee also express the opinion that the export restrictions placed upon the Coal Trade during the war should cease at the earliest possible moment.

14. The Coal Trades Committee, however, appear to think that it may take some 12 months from the end of the war before the output of 1913 can be generally reached, and we are of opinion that during that period it may be necessary to regulate the export of coal in order to ensure that the requirements of the United Kingdom and the Allies are met. We consider that compensatory outlets should be sought in France, Italy and Belgium for a large portion of the coal formerly exported to Germany.

15. In view of the urgent necessity which will exist at the end of the war for the replacement of depreciated machinery in this country, and of the obligations imposed upon us by the concluding words of Resolution B. I. of the Transitory Measures adopted at the Paris Conference, it will almost certainly be necessary to control the export of certain classes of machinery in order that priority may be given during the period of reconstruction to the requirements of the United Kingdom and the Allies.

16. Having regard to the nature of the fishing industry we do not think that the control of exports of fish would be practicable under peace conditions. We do not, therefore, recommend that any attempt should be made to prevent the export of fish to present enemy destinations.

17. We desire to add that our recommendation that the export of the materials mentioned above should be controlled during the transitory period is subject to the condition that the grant of export licences is administered by strong Committees on which the trades concerned should be fully represented, and that every effort is made to make the administration as simple and expeditious as possible.

18. We turn to the consideration of the materials mentioned in Table I, which are wholly or mainly produced within the British Empire. As regards these materials, we are not in a position to submit any precise proposals as to the method of control to be adopted, but we recommend that the Government should enter into consultation without delay with the Governments of the Dominions and Colonies concerned, with a view to the application of the principles indicated in paragraph 4 to such materials as it may be found possible to select for treatment on these lines.

19. The most important of these is Wool. We are informed that the supply of all kinds of Wool is likely to be insufficient for the requirements of the world after the war. This is particularly the case as regards Merino Wool, for the supply of which Germany and Austria are practically dependent upon Australia and South Africa. We consider it of the greatest importance that, if possible, joint measures should be devised with the Dominions to secure the control of their output of all kinds of Wool immediately after the war.

20. It is desirable also that the Government of India should be urged to undertake the control of the supplies of Jute and Cotton, and the Government of Egypt the control of the supply of Cotton, which we think are likely to be barely sufficient to meet the requirements of the world, exclusive of the present enemy countries.

21. In the case of Oil Seeds and Nuts, we understand that proposals have already been adopted by the Government for diverting from the enemy countries after the war the production of certain African Colonies. We recommend that the

Government of India should be asked to consider whether any practical measures can be devised with a similar object as regards the supplies under its control.

22. We take the opportunity of observing at this point that we do not overlook the fact that objection may be taken to the restrictive policy which we recommend, on the ground that the burden may fall unduly upon the individual producer whose price may be lowered by the restriction of his market. In our opinion, it is particularly important to avoid even the appearance of any such penalisation, especially in cases in which the interests of native subjects of the Empire are concerned. We think, however, that, if the policy is limited, as we have recommended, to materials of which the greater part of the supply can be absorbed by the United Kingdom and the Allies, it will be possible in consultation with the various Governments concerned to devise satisfactory safeguards to meet this danger.

23. As regards mineral supplies certain steps have, we understand, already been taken in co-operation with the Australian Government, and other proposals have been referred for the consideration of the Non-Ferrous Metals Committee. We concur generally in the recommendation of the Iron and Steel Trades Committee that, so far as may be arranged, no raw materials shall be permitted immediately after the war to be despatched to the present enemy countries from mineral resources under British control. We shall have occasion to make further suggestions in this connection in a subsequent report, which we propose to submit on the question of essential industries, which forms part of our terms of reference. We therefore defer for the present consideration of this very important group of raw materials.

24. We have indicated in the preceding paragraphs the most important materials to which we consider that an attempt should be made to apply the principles laid down in this report. It is not possible for us to recommend what precise methods should be applied in each case. These can only be devised after consultation with the Governments of the Dominions, and we recommend that the Government should enter into immediate negotiations to attain this object. In the event of the Dominions finding it impossible to adopt the suggestions we have made, we think that it might be represented to them that a measure of success for the policy we advocate might be secured by the adoption by them of a heavy export duty to present enemy countries, due precautions being taken to prevent purchases by neutrals on account of present enemy countries.

25. We further recommend that the Government should also at the earliest possible moment approach the Governments of the Allies, with a view to ascertaining what steps they are prepared to take as regards important materials, over which they are in a position to exercise effective control. In particular, our attention has been drawn to the fact that there may be difficulty after the war in securing sufficient supplies of Hides and Tanning Materials, and it may be found desirable to continue and develop, for such period as may be agreed upon, the arrangements entered into during the war with France and Italy for the mutual exchange of certain classes of these materials, and to ascertain whether analogous arrangements could be made with the Russian Government.

Similarly, any schemes for dealing with the supplies of Flax and Hemp will depend upon the assistance which Russia and Italy are able to render. It may also be found possible to make arrangements with the Russian Government for securing supplies of Timber.

26. As a preliminary condition of the negotiations which we recommend in the last two paragraphs, it is essential that small expert Committees should be appointed to consider, as regards each material with which it is proposed to deal, what are likely to be the requirements of the United Kingdom immediately after the war, and what methods might be adopted in each case. In view of the important materials of which the whole or the greater part of the world's supply is derived from the British Empire, the Government should be in an advantageous position, if the co-operation of India and the self-governing Dominions can be secured, for negotiating with the Allied Governments, with a view to mutual arrangements as regards commodities which they for their part are able to control.

We desire to emphasise our opinion that without the full consent and co-operation of all the Governments concerned, it will not be possible to carry the Paris Resolutions successfully into effect.



## PART II.

27. As already indicated in paragraph 11, it has been represented to us that the working of a policy of common action among the Allies, which we have recommended in Part I. of this Report, might be greatly assisted by the establishment of a common Allied organisation for certain purposes, and that such an organisation might be on the lines of the Commission Internationale de Ravitaillement, which has been set up in London since the outbreak of the war to co-ordinate the purchases of the Allied Governments for war purposes. We have had the advantage of hearing evidence on this subject from Sir Edmund Wyldbore Smith, Chairman of the Commission, from Mr. U. F. Wintour, C.M.G., Director of Army Contracts, and Mr. E. F. Wise, Assistant Director (the last two of whom have also given us valuable assistance upon the subjects dealt with in Part I. of this Report), and, while we are not in a position to submit any detailed scheme, we think that, if the policy recommended in Part I. of this Report is accepted by the various Governments concerned, the foregoing suggestion merits careful study.

28. We suggest that, so far as may be arranged, the Commission, or some similar body, might deal with such orders to be placed by the Allied Governments for reconstruction purposes as may be found convenient, and also with such private orders for important materials in connection therewith as the Governments concerned may find it possible and expedient to centralise. Although Government orders will not, of course, form so large a proportion of the total demands upon industry after the war as they do at present, yet they will no doubt continue for some time to be on a large scale. Moreover, we are informed that in certain cases, in which, owing to the insufficiency of the total production, careful allocation of available supplies has been necessary, some of the Allied Governments have found it desirable during the war to concentrate purchasing power in one body representing both the State and the private consumers. Thus the whole of the steel and pig iron which is now imported into France is purchased by the French Comité des Forges at prices agreed between them and the British Ministry of Munitions. Similarly, applications from private firms in France and Italy for certain classes of wool are forwarded by one central body, namely, the Ministry of Commerce, in each of those countries. We think that in the case of certain commodities the circumstances prevailing after the war may make it expedient to continue arrangements of this kind.

29. In dealing with orders of the nature referred to in the last paragraph, it should be the object of the Commission to prevent unnecessary competition between the Governments concerned, both in this country and in other countries, and to secure that due consideration is given to the needs of the devastated areas of those countries and that, so far as possible, the Allied requirements are met in an economical manner within the Allied countries. With the help of the valuable information and experience which have been obtained during the war, both by the Commission itself and by the Contract Branches of the Government Departments, it should, we think, be feasible, while the peace negotiations are in progress, for the Commission to form an estimate upon the basis of data furnished by the Governments concerned of reconstruction requirements and of the capacity of each country to supply them, account being taken of whatever supplies it may be possible to obtain by way of indemnity from the enemy countries. We understand that the French Government has, in fact, already appointed a Commission to study the future needs of Northern France and that the Belgian Government is also giving consideration to the subject.

30. We think that the Commission would be enabled to secure sufficient priority for its reasonable requirements in the United Kingdom by means of the control of exports which we have recommended in paragraphs 11 to 15 of this Report, and that it might assist in the working of that control and in obtaining compensatory outlets for commodities which formerly found a market in the enemy countries. In the exercise of any such right of priority regard must be had to the imperative necessity of encouraging the general export trade of the country, and therefore such priority must be exercised in respect only of some fixed proportion of the actual output of the materials controlled. In this connection the Commission should of course co-operate with the Committees representative of trade interests, the establishment of which we have recommended in paragraph 17.

31. As we have already indicated there are certain important raw materials, the supply of which immediately after the war is likely to be insufficient to meet the

requirements of the world, and it has been represented to us that the needs of this country and of the Allies might most effectively be met by the joint purchase on behalf of the respective Governments of such supplies as are available. Such a policy has, we are informed, been adopted by the British Government during the war in the case of certain commodities, notably Wool. The situation is, however, radically altered when the question becomes one of supplying with raw materials manufacturers who are working, not, as at present, almost entirely on Government orders, but on a competitive basis for home and foreign markets, and we see serious objections to the interposition of the Government in such circumstances. We are strongly of opinion, therefore, that after the war this course should only be adopted in the last resort, but if other measures are decided after full inquiry to be inadequate or impracticable, it may be found that the immediate requirements of the Allied countries as regards a limited number of staple articles of vital importance, the supply of which there is good reason to suppose may be seriously insufficient, can only be safeguarded by a combination of Government purchase and distribution of the available supplies with a system of controlling export. Measures of this kind, which should be strictly limited to the period immediately following the end of the war, may in some instances provide the best means of meeting the difficulties to which reference is made in paragraph 22 of this Report. If they are to be successfully applied, it is essential that the necessary arrangements should be agreed upon by the various Governments concerned before the conclusion of the war, and we therefore emphasise in this connection also the necessity of immediate action on the lines recommended in paragraphs 24 to 26 above. It is also important that the financial arrangements involved in any operations of the kind discussed in this Part of this Report should be carefully settled beforehand between the different Governments.

32. We desire, in conclusion, to make it clear that in our opinion the operations of the suggested Commission, while they may prove economical as regards Government purchases, should be strictly confined to the cases to which we have referred. The intrusion of any such body between buyers and sellers, however necessary this may be in cases of urgent national importance, inevitably results in serious and expensive delays and often in loss of trade, and we are convinced that, if the commercial position of this country is to be rapidly restored after the war, it is essential that there should be as little interference as possible with the normal agencies of private trading. We have only to add that, as in the case of the recommendations made in Part I. of this Report, the success of the additional measures suggested in the preceding paragraphs will be dependent upon their meeting with the active approval of the Governments of the Dominions and of our Allies.

## SUMMARY.

33. Our conclusions as regards the branch of our enquiry dealt with in this Report may be briefly summarised as follows:—

(1) Any general prohibition of exports to present enemy countries after the war and any continuance of the system of rationing neutral countries are impracticable and inexpedient, but the Paris Resolutions can be carried into effect if a policy of joint control of certain important commodities can be agreed upon between the British Empire and the Allies for the Transitional Period. Any measures should aim at securing to the British Empire and the Allied countries priority for their requirements and should be applied only to materials which are mainly derived from those countries and will be required by them (paragraphs 1 to 10).

(2) This policy should be applied as regards the United Kingdom by legislation empowering the Government to prohibit the export except under licence of such articles as may be deemed expedient. Under these powers the export of certain commodities which we specify should be controlled, as well as that of any other important commodities, in the case of which it may be found that there is a danger of shortage. The regime should be administered with the help of strong committees on which the trades concerned should be fully represented (paragraphs 11 to 17).

(3) As regards the British Empire and the Allied countries the Government should without delay enter into negotiations with the various Governments concerned, with a view to the adoption of suitable joint measures as regards selected commodities of importance. For this purpose expert committees should at once be appointed (paragraphs 18 to 26).



(4) The Government should consider, in consultation with the Allies, the expediency of establishing after the war a joint organisation on the lines of the Commission Internationale de Ravitaillement for dealing with the orders of the Allied Governments for reconstruction purposes, and with such private orders as they may find it expedient to centralise. In exceptional cases it may be found necessary to adopt a policy of Government purchase of certain important raw materials, the supply of which cannot otherwise be safeguarded (paragraphs 27 to 32).

We have the honour to be, Sir,  
Your obedient Servants,

(Signed) BALFOUR OF BURLEIGH (*Chairman*).  
ARTHUR BALFOUR.  
HENRY BIRCHENOUGH.  
ALFRED BOOTH.\*  
FARINGDON.  
H. GOSLING.  
RICHARD HAZLETON.  
W. A. S. HEWINS.  
C. G. HYDE.  
ALBERT H. ILLINGWORTH.†  
ALEXANDER McDOWELL.  
W. S. McCORMICK.  
ALFRED MOND.†  
JOHN O'NEILL.  
CHARLES A. PARSONS.  
ARTHUR F. PEASE.  
R. E. PROTHERO.†  
RHONDDA.†  
G. SCOBY SMITH.  
FREDERICK SMITH.  
GEO. J. WARDLE.

PERCY ASHLEY }  
G. C. UPCOTT } *Secretaries.*

14 December, 1916.

\* Subject to the appended reservation.

† See Note by the Chairman below.

#### Reservation by Sir A. Booth.

While I am in general agreement with many of the conclusions arrived at by my colleagues, their report goes rather further than I consider wise. I agree that it may be necessary to prohibit the export of certain commodities from the British Empire, except under licence, during the period immediately following the conclusion of the war, but I consider that such action should be confined to the shortest possible time, and to cases where there is an actual deficiency of supply. To go beyond these limits in the hope of injuring German trade, would, in my opinion, be construed as an attempt to build up a wall around the Allied Powers to the permanent injury of our trade with neutral nations.

(Signed) ALFRED BOOTH.

#### Note by the Chairman.

The four signatories whose names are distinguished above became members of His Majesty's Government a few days before the date of this Report. But they have since intimated to me that, as the Report was practically settled while they were still members of the Committee, they feel justified in signing it.

(Signed) BALFOUR OF BURLEIGH.

TABLE I.

TABLE for 1912, showing MATERIALS for which GERMANY is MAINLY DEPENDENT on the BRITISH EMPIRE and ALLIED COUNTRIES (taken from GERMAN OFFICIAL RETURNS).

Value in Thousand £'s (000's omitted.)

Commodity.	Total Imports.	United Kingdom.	British Possessions.	Allied Countries and their Colonies.
Bristles - - - - -	1,269	—	28	995
China Clay - - - - -	573	254	—	—
Coal - - - - -	9,390	8,176	—	270
* Copra - - - - -	4,720	—	2,065	16
Cotton (Egyptian) - - - - -	3,419	—	3,419	—
" Seed - - - - -	1,731	—	1,558	—
" Yarns (fine) - - - - -	5,031	4,570	—	139
Flax - - - - -	3,868	—	—	3,092
Goat Skins (raw) - - - - -	1,456	45	289	807
Ground Nuts - - - - -	923	—	419	276
Hemp - - - - -	1,593	—	—	1,457
Herrings (Fresh and Salted) - - - - -	3,307	1,706	—	—
Jute - - - - -	3,674	6	2,649	—
Lead (Ores and Metal) - - - - -	3,114	77	1,308	652
Linseed - - - - -	5,240	—	1,201	1,105
Manganese Ores - - - - -	1,057	—	302	630
† Mica - - - - -	384	35	288	—
Nickel (Ores and Metal) - - - - -	442	70	—	124
† Palm Kernels - - - - -	4,883	—	4,364	177
Plumbago - - - - -	497	8	335	25
Rapeseed - - - - -	1,641	—	1,307	293
§ Rubber - - - - -	7,998	105	1,495	1,114
Silk (artificial) - - - - -	1,330	—	—	1,012
" (raw and thrown) - - - - -	7,047	101	—	6,400
Shellac - - - - -	412	—	385	—
Sulphur - - - - -	229	—	—	196
Wolfram Ore - - - - -	496	104	224	53
Wool, Crossbred - - - - -	8,735	437	2,121	2,255
" Merino - - - - -	11,223	9	8,675	303
" Tops - - - - -	4,566	915	—	3,398
Worsted Mohair and Alpaca Yarns - - - - -	5,292	4,174	—	371
Zinc (Ores and Metal) - - - - -	2,531	71	1,097	1,275

\* 56,000l. from German Colonies.

† 294,000l. " " "

‡ 41,000l. from German Colonies.

§ 1,061,000l. " " "

TABLE Ia.

TABLE showing PERCENTAGES obtained by GERMANY from the UNITED KINGDOM of TOTAL IMPORTS of certain ARTICLES in the YEAR 1912.

Article.	Percentage from United Kingdom.
China Clay - - - - -	44·3
Coal - - - - -	87·1
Cotton Yarns (fine) - - - - -	90·8
Herrings (fresh and salted) - - - - -	51·6
* Wool Tops - - - - -	20·0
Worsted, Mohair, and Alpaca Yarns - - - - -	78·8

\* 74·4 per cent. Wool Tops obtained from Allied Countries.



TABLE IB.

TABLE showing PERCENTAGES obtained by GERMANY from the UNITED KINGDOM and BRITISH POSSESSIONS of TOTAL IMPORTS of certain ARTICLES in the YEAR 1912.

Article.	Percentages from United Kingdom.	Percentages from British Possessions.
*Copra - - - - -	—	42.3
Cotton, Egyptian - - - - -	—	100.0
" Seed - - - - -	—	90.0
†Ground Nuts - - - - -	—	45.0
Jute - - - - -	1	72.1
‡Palm Kernels - - - - -	—	89.4
Plumbago - - - - -	1.6	67.4
§Rapeseed - - - - -	—	79.6
¶Rubber - - - - -	1.3	18.7
Shellac - - - - -	—	93.4
*Wolfram Ore - - - - -	21.0	45.1
**Wool, Crossbred - - - - -	5.0	24.3
" Merino - - - - -	.8	77.3
††Zinc, Ores and Metal - - - - -	2.8	43.3

\* 11.8 per cent. from German Colonies.

† 29.9 " " Allied Countries.

‡ 6.0 " " German Colonies.

§ 17.8 " " Allied Countries.

|| 13.4 per cent. from Allied Countries.

¶ 10.7 " " German Colonies.

\*\* 25.9 " " Allied Countries.

†† 50.4 per cent. from Allied Countries.

TABLE IC.

TABLE showing the PERCENTAGE obtained by GERMANY from the UNITED KINGDOM, BRITISH POSSESSIONS, and ALLIED COUNTRIES of the TOTAL IMPORTS of certain ARTICLES in the YEAR 1912.

Article.	United Kingdom.	British Possessions.	Allied Countries (including Colonies).
Goat Skins (raw) - - - - -	3.1	19.8	55.4
Lead (Ores and Metal) - - - - -	2.5	42.0	20.9
Linseed - - - - -	—	22.9	21.8
Manganese Ores - - - - -	—	28.6	59.6
Nickel (Ores and Metal) - - - - -	15.8	—	28.0
Wool, Tops - - - - -	20.0	—	74.4
Zinc (Ores and Metal) - - - - -	2.8	43.3	50.4

TABLE ID.

TABLE showing PERCENTAGES obtained by GERMANY from the ALLIES (excluding the BRITISH EMPIRE) of TOTAL IMPORTS of certain ARTICLES in the YEAR 1912.

Article.	Percentage from Allies.
Bristles - - - - -	78.5
Flax - - - - -	91.9
Hemp - - - - -	90.8
Silk, artificial - - - - -	76.7
Silk, raw and thrown - - - - -	90.8
Sulphur - - - - -	87.3

TABLE 2.

TABLE for 1912, showing MATERIALS for which AUSTRIA-HUNGARY is MAINLY DEPENDENT on the BRITISH EMPIRE and ALLIED COUNTRIES. (Taken from AUSTRIAN OFFICIAL RETURNS.)

Note.—The Austrian Trade Volumes constantly ascribe to Germany goods imported through Germany from other countries of origin.

Value in Thousands £'s (000's omitted).

Commodity.	Total Imports.	United Kingdom.	British Possessions.	Allied Countries and their Colonies.
Chrome Ore - - - - -	16	3	6	—
Cocunut Oil - - - - -	251	13	82	66
Copra - - - - -	1,148	—	579	—
Cotton, Egyptian - - - - -	1,189	—	1,189	—
" Yarns - - - - -	1,406	840	—	68
" Seed - - - - -	98	—	94	4
Flax - - - - -	1,730	—	—	1,684
Hemp - - - - -	335	—	—	312
Hides (dried) - - - - -	2,228	16	1,656	193
Jute - - - - -	1,215	—	1,198	—
Lead Ore - - - - -	31	—	19	9
Manganese Ore - - - - -	145	1	—	125
Nickel - - - - -	392	114	7	92
Palm Kernels - - - - -	732	—	674	4
Palm Oil - - - - -	110	7	54	4
Rapeseed - - - - -	259	3	93	125
Sesame Seed - - - - -	583	—	421	—
*Silk - - - - -	2,205	29	—	1,025
† " artificial - - - - -	467	18	—	204
‡ Wool (Merino and Crossbred not distinguished). - - - - -	6,749	—	—	1,815
Worsted, Mohair, and Alpaca Yarns - - - - -	2,402	1,221	—	61
§ Zinc Ore - - - - -	214	—	—	2

Austrian Figures.

\* 826,000L. from Germany.

† 173,000L. " "

‡ 3,561,000L. " "

§ 182,000L. " "

German Figures.

40,000L. to Austria-Hungary.

112,000L. " "

2,174,000L. " "

122,000L. " "

TABLE 2A.

TABLE showing PERCENTAGES obtained by AUSTRIA-HUNGARY from the UNITED KINGDOM of TOTAL IMPORTS of certain ARTICLES in the YEAR 1912.

Article.	Percentage from United Kingdom.
Cotton Yarns - - - - -	59.7
*Nickel - - - - -	29.1
Worsted, Mohair, and Alpaca Yarns - - - - -	50.8

\* 23.4 per cent. from Allied Countries.



TABLE 2B.

TABLE showing PERCENTAGES obtained by AUSTRIA-HUNGARY from the UNITED KINGDOM and BRITISH POSSESSIONS of TOTAL IMPORTS of certain ARTICLES in the YEAR 1912.

Article.	Percentage from United Kingdom.	Percentage from British Possessions.
Chrome Ore - - - - -	18.7	37.5
*Cocoanut Oil - - - - -	5.2	32.2
Copra - - - - -	—	50.4
Cotton, Egyptian - - - - -	—	100.0
†Cotton Seed - - - - -	—	94.9
‡Hides - - - - -	7	74.7
Jute - - - - -	—	98.6
§Lead Ore - - - - -	—	61.3
Palm Kernels - - - - -	—	92.1
¶Palm Oil - - - - -	6.3	49.1
*Rapeseed - - - - -	1.1	35.9
Sesame Seed - - - - -	—	72.2

\* 26.3 per cent. from Allied Countries.

† 5.1 " " " "

‡ 8.6 " " " "

§ 29.0 per cent. from Allied Countries.

¶ 3.6 " " " "

\* 48.2 " " " "

TABLE 2C.

TABLE showing the PERCENTAGE obtained by AUSTRIA-HUNGARY from the UNITED KINGDOM, BRITISH POSSESSIONS, and ALLIED COUNTRIES of the TOTAL IMPORTS of certain ARTICLES in the YEAR 1912.

Article.	United Kingdom.	British Possessions.	Allied Countries (including Colonies).
	Per Cent.	Per Cent.	Per Cent.
Cocoanut Oil - - - - -	5.2	32.2	26.3
Manganese Ore - - - - -	—	—	86.2
Nickel - - - - -	29.1	1.8	23.4
Rapeseed - - - - -	1.1	35.9	48.2
*Wool - - - - -	—	—	26.8
†Zinc Ore - - - - -	—	—	.9

\* 54.2 per cent. given as from Germany.

† 85.0 per cent. given as from Germany.

TABLE 2D.

TABLE showing PERCENTAGES obtained by AUSTRIA-HUNGARY from the ALLIES (excluding the BRITISH EMPIRE) of TOTAL IMPORTS of certain ARTICLES in the YEAR 1912.

Article.	Percentage from Allies.
Flax - - - - -	97.3
Hemp - - - - -	93.1
*Silk, raw - - - - -	46.4
†Silk, artificial - - - - -	43.6

\* 37.4 per cent. given as from Germany.

† 37.0 per cent. given as from Germany.

## VIII:

# Control of the Export of Certain Commodities after the War. Memorandum by the Board of Trade.

(Extract.)

[See discussion on pages 93 to 111, 114, 115, 203 to 213, and 217 to 229.]

ASSUMING that the general principles laid down in the Memorandum on the Control of Exports are accepted, it is proposed in the present memorandum to direct attention to certain important commodities to which they might be applied.

## (1) WOOL.

The probable position after the War in respect of the supply of, and demand for, wool has been very fully considered by the Departmental Committee appointed by the Board of Trade to consider the position of the textile industries after the War; and their detailed conclusions and recommendations are set out in the appendix to this memorandum. The final recommendation of the Committee is:—

"That in view of the serious shortage of wools for clothing purposes, particularly in merinos, and in view of the predominant position of the British Empire in the production of these wools, His Majesty's Government should be urged to convene, at an early date, a Conference of the representatives of the Governments of Australia, New Zealand, and South Africa, in order to formulate a workable scheme for the effective control of the distribution of all wool grown within their territories, with a view to:—

- (a) The fulfilment of the pledges to the Allies, as laid down in the Paris resolutions;
- (b) The complete safeguarding of British industrial requirements;
- (c) The utilization of the wool resources of the Empire to their fullest capacity as a means of bargaining or otherwise.

The Committee suggests that a co-ordinated policy of shipment under licence during the period of reconstruction offers the fewest difficulties. Under such a scheme exports to enemy countries would be prohibited for at least one year after the conclusion of peace, and for such further period as might be found desirable, and exports to neutral countries would be restricted to the quantity of wool available after satisfying the requirements of the British Empire and its Allies."

The Committee on Commercial and Industrial Policy, which has had the Report of the Textiles Committee before it, has recommended (1) that a policy of restriction and regulation should be applied to the export from the United Kingdom of wool tops and of worsted mohair and alpaca yarns, and (2) that as a matter of the greatest importance joint measures should if possible be devised with the Dominions to secure the control of their output of all kinds of wool immediately after the War.

In accordance with the recommendation of the two Committees, the question of the advisability and practicability of joint action on the lines suggested is submitted for the consideration of the Conference.

## (2) ORES AND METALS.

Ores and metals are among the most important classes of commodities included within the scope of the resolution of the Paris Economic Conference relating to the conservation of the natural resources of the Allies for Allied purposes during the reconstruction period. Moreover, the experience of the War has shown the great importance, not only of developing to the fullest possible extent the mineral and metal resources of the Empire, but also of securing that those resources do not pass under the control (direct or indirect) of the subjects of potentially enemy States.

The considerable developments of the steel industry in the United Kingdom which have taken place during the War, and the further large extensions which are now being planned in the United Kingdom, with the assistance of His Majesty's Government, make the securing of an adequate supply of iron ore a matter of very great importance. Perhaps the most immediately available area of supply within the Empire is afforded by the great deposits of Newfoundland.



Examples of non-ferrous minerals which it is desirable to conserve are zinc (Australia), copper (Canada and South Africa), chrome ore (South Africa), nickel (Canada), manganese (India), tin (the United Kingdom and Federated Malay States), wolfram ore and scheelite (the United Kingdom, India, Australia, and New Zealand), lead (Australia), bauxite (British Guiana), and mica (India).

It is for consideration whether during the reconstruction period after the War the policy of prohibition of export to foreign destinations, except under licence, should not be applied to the more important at least of the ores and metals produced within the Empire.

The French Government have recently put forward proposals for the establishment of an inter-Allied organization which would undertake business in respect of non-ferrous ores and metals on lines analogous to those adopted by the German Metallgesellschaft and its subsidiaries, whereby Germany dominated the non-ferrous metal markets of the world prior to the War. Discussions, in which representatives of the Dominion Governments are taking part, are now proceeding as to the scheme; and it is of importance for that purpose that a decision should be taken as to the acceptance by the Governments represented at the present Conference of the principle of State regulation of the exports of metals and minerals to foreign destinations for a period after the War.

As regards the question of restricting the control by aliens of the mineral resources of the Empire, it has already been pointed out that, prior to the War, the world's trade in non-ferrous metals was largely controlled by the German Metallgesellschaft, with its subsidiary or allied companies in various countries, which had acquired large direct or indirect interests in mineral deposits in the British Empire—a condition of affairs which has caused serious difficulties in connexion with the supplies of munitions. Moreover, before the War, German interests were acquiring control of coal deposits in the United Kingdom, and controlled the monazite sand deposits of Travancore (India); and there is good reason to believe that the United States interests are now seeking to acquire control of mineral deposits within the Empire, and also to purchase mines and mining rights of British Companies in neutral countries. It is for consideration whether any common action is desirable on the part of the Governments of the Empire to prevent or regulate the acquisition and control of mineral rights by (a) present enemy subjects or companies or persons under present enemy control or influence, and (b) other aliens.

The question is one which affects the Self-governing Dominions, India, and the Colonies not possessing Responsible Government at least as much as the United Kingdom, and it is obviously necessary that in its consideration account be taken of the probability or otherwise of adequate capital for the development of Imperial resources being forthcoming after the War from within the Empire, and of the possibility that any restrictive measures directed against aliens generally may encourage a movement towards similar legislation in foreign countries where British capital is largely invested in mining enterprises.

Short of prohibition or restriction, it may be thought desirable to require disclosure of any non-British interest (whether of present enemy aliens or of aliens generally) in mining companies, and to impose some conditions upon the exercise of mining rights (a policy of which the precise application would presumably vary with local conditions and laws).

In this connexion it is of interest to note that the model clauses now inserted by the Colonial Office in all concessions of oil-mining rights in the Colonies not possessing Responsible Government, provide *inter alia* that the lessees shall be British subjects or a British company having its principal place of business within His Majesty's Dominions, and a chairman, managing director, and a majority of other directors who are British subjects; that the lessees shall not be directly or indirectly controlled or managed by any foreign corporation; that the Governor of the Colony shall have the right of pre-emption of all oil and its products, and the right to require the production of oil of a prescribed description and in a prescribed manner; and that on the occasion of a state of emergency, of which he shall be the sole judge, the Governor may require the lessees to use their utmost endeavours to increase the supply of oil, and may take control of the works. Similar provisions have been included in other concessions, e.g., of bauxite in British Guiana, and of peat in the Falkland Islands.

It may be added that the Board of Trade have under consideration a draft Bill providing that during the continuance of the present War, and for five years thereafter, it shall be unlawful for any company, firm, or individual to engage in the business of extracting, smelting, refining, or dealing by way of wholesale trade in certain specified metals and metallic ores, except under licence, which licence shall not be granted or renewed unless the Board are satisfied that the company, firm, or individual is not under enemy influence (as defined in the Bill).

### (3) MEAT.

1. *The Demand for Meat.*—The United Kingdom in 1913 imported 460,000 tons of frozen and chilled beef, and 260,000 tons of frozen mutton and lamb, or 720,000 tons in all, and after the War the demand is likely to be very much the same, unless in the time still before us a large draft has to be made on British herds and flocks. The United States have, during the last four years, been developing an import trade in meat, and the American meat companies have contracts with British shipping companies which will enable them, shortly after peace is declared, to import from the Plate about 200,000 tons of meat annually. In 1913 the Continent imported only trifling quantities of refrigerated meat, but the ravages of war have devastated their herds. If the War ends in 1917 there will be a deficit of about 5,500,000 cattle in France, Italy, Belgium, and Serbia, and to restore their herds in five years will require the importation of about 280,000 tons of beef a year; the Continent eats very little mutton. Russia and Austria-Hungary, though suffering severely, are not likely to be in a position to enter the meat market, and Germany's recent policy of reducing consumption will probably enable her to end the War with a cattle-herd in very bad condition but perhaps not greatly reduced numbers (if the German official figures can be relied upon), so that a little more abstention will enable her to do without imports. The total demand for imported refrigerated meat will thus be about 1,200,000 tons, of which about 900,000 tons, or seventy-five per cent., will be beef.

2. *The Supply of Meat.*—In 1913 the supply of refrigerated beef, mutton, lamb, in all the producing countries was practically the same as the United Kingdom imports, 720,000 tons. Under the impulse of high war prices, it rose in 1916 to 969,000 tons, and the output for 1917 is estimated at 1,105,000 tons. After the effect of the Australian drought of 1915 has completely worn off, and when some allowance is made for further developments in Brazil, the aggregate supply will probably rise in 1918 to about 1,200,000 tons, provided that the stimulus of present prices remains. This quantity corresponds with what British, French, and Italian insulated steamers will be able to convey (including some now under construction), provided the future losses of ships from enemy action are not serious. These supplies will be distributed as follows:—

	Beef.			Mutton and Lamb.	
	tons	per cent.		tons	per cent.
British Empire	170,000	19	...	200,000	67
Foreign countries	730,000	81	...	100,000	33
	900,000	100		300,000	100

3. *The Beef Position.*—So far as the United Kingdom demand for imported mutton and lamb is concerned, the situation is fairly sound, for of the total demand of 260,000 tons, 200,000, or 77 per cent., will be produced within the Empire, and will be freed from any kind of monopoly control. On the other hand, only 170,000 tons, or 37 per cent. of the total demand of the United Kingdom for imported beef, appears to be capable of satisfaction within the Empire. The desirability of freeing British markets from excessive dependence on foreign organizations which control important sources of supply is brought out by these figures, but they also indicate that some time must elapse before the beef position can be made to approximate to the present mutton position. The prospects of increased beef production within the Empire are discussed in the succeeding paragraphs.

4. *Canada.*—In 1911 there were imported from Canada 42,239 cattle to the United Kingdom (probably equal to 16,000 tons of dressed beef), but in 1913 the imports fell to 1,755 cattle, and thereafter stopped. In 1916 about 15,000 tons of beef were purchased from Canada for the Allied forces, and probably about 1,000 tons were imported into the United Kingdom for civilian consumption. The production in 1917 may reach 30,000 tons. On the present cattle-herd of 7,000,000 head



the output of beef for export is not likely to increase, for the requirements of a growing population have to be considered, and the thriving dairy industry is producing an increase of milch cows relative to other cattle. The competition of the United States for any available beef has also to be borne in mind. It is asserted that there are opportunities for developing a stock-raising industry in British Columbia, but the cost of railway transport would be a hindrance to export, and the number of insulated ships regularly sailing between Canada and the United Kingdom is insufficient for a large regular meat trade. It is to be noted that two United States companies, Swift and Armour, have branch houses in Canada.

5. *South Africa*.—South Africa has been gradually making herself independent of imported meat, and, with a herd of 6,000,000 head, is now ready to develop an export trade. Difficulties, however, exist in regard to the condition of the herd, a good deal of the meat not being up to British standard; to the facilities for freezing, the International Cold Storage Company somewhat dominating the situation; lack of railway facilities; and, in particular, to the insufficiency of shipping facilities, the small insulated spaces in the Union-Castle boats being quite unequal to a regular trade of any size. In 1916 the Board of Trade purchased 6,100 tons of beef for France and the Forces in Egypt, and in 1917 they hoped to get 12,000 tons from South Africa. By utilizing meat ships diverted from their ordinary trades they have been able to give a good start to the South African meat industry, but after the War these steamers will return to their usual business, and until a new insulated service is created South Africa will have to rely on Australian steamers calling at the Cape after being unable to fill up in the Commonwealth. Rhodesia is also developing a cattle industry, but until transport difficulties are removed the farmers are only looking forward to the creation of a canning industry, and the Board of Trade have drawn the attention of the War Office to this approaching development.

6. *Australia*.—In 1916 about 62,000 tons of beef and 15,000 tons of mutton were obtained from Australia for the United Kingdom and the Allied Forces, and in 1917 the output should be 70,000 tons of beef and 70,000 tons of mutton. Queensland is the chief beef district, producing in 1913 about eighty-six per cent. of the exports of beef from Australia. The southern States devote themselves mainly to sheep and the dairy industry. Queensland is, however, liable to drought, and the cattle-herd, which numbered 7,000,000 head in 1894, was 5,250,000 in 1913. The cattle for slaughter being entirely fed on the ranches, the meat export is seasonal, and so the cattle slaughtered are far below the continuous capacity of the works, representing in 1913 only one hundred days' killings. There are still millions of acres in the State suitable for cattle-raising, and the further development of the cattle industry appears to depend on (a) the extension of irrigation, which would open large tracts of country at moderate expense; (b) the construction of more railroads, e.g., the linking up of the Northern and Central systems; and (c) the growth of a cattle-fattening industry among the coastwise farmers (who would purchase stores from the pastoralists), thus enabling the period during which fat cattle could be put on the market to be extended. It would also be very useful if a preventive could be found to the insect which produces nodules in briskets of beef and makes them unfit for exportation.

It is noteworthy that one company is building freezing works at Port Darling and is opening up the Northern Territory, where it has acquired twelve million acres, with 240,000 cattle. On the other hand, a rival to the frozen beef industry is the enterprise of Bovril, Ltd., who have purchased pastoral properties in Queensland amounting to nine-and-a-half million acres, with 150,000 cattle. Swift & Co. (U.S.A.), have acquired works in Queensland, and Armour & Co. (U.S.A.) purchase whole outputs there.

7. *New Zealand*.—The exports of beef from New Zealand have risen from 12,000 tons in 1913 to 53,000 tons in 1916, under the stimulus of high war prices. It is questionable whether a rise at this rate can be continued, for the local consumption of beef (70,000 tons in 1913) is important, and there is a strong tendency towards development of the dairy industry rather than of stock-raising. Armour & Co. have recently bought a freezing works.

8. *Nigeria*.—It is understood that the Nigerian Corporation and Miller & Co. have put before the Colonial Officer certain cattle ranching propositions, which, they estimate, would enable them to start exporting frozen meat in seven or ten years' time. In the first place, they would probably cater for the West Coast trade and for French trade, the small lean beef of the country being very suitable for the Continent.

9. *Purchases in South America*.—The Board of Trade have contracted with two British, one Argentine, and four American meat companies for a monthly supply of frozen meat from the Argentine and Uruguay for the use of the Allied Forces, the prices and conditions being fixed for the period of the War and for three months thereafter, subject to three months' notice on either side. The Board have also purchased this season's output of mutton from Patagonia, the contractors being one American and one British company owning their own works, and three British companies acting as agents for Argentine and Chilean companies; part of this meat will be used for the armies, and part will be placed on the market. The Board also buy regularly meat for the French and Italian armies from a Brazilian company, and from an American-managed company with works near Santos, and from Brazilian interests at Rio de Janeiro; the Rio works have recently passed under British control.

Further, the Board have reopened the Las Palmas works (which had been closed for some years) of the British and Argentine Meat Co., Ltd., a British company, and those works are now managed by that company for the Board on a profit-sharing agreement. The same company has also, with the co-operation of the Board, secured control of the meat works at Rio, and it is agreed that if necessary they should have monetary assistance from His Majesty's Government.

10. *Conclusion*.—The general conclusion is that within the Empire there are considerable possibilities in the development of supply, but that time will be required to make them effective. In some cases the local monetary resources will probably be unequal to anything like a rapid increase in supplies, and, if that is required, it may be necessary to draw on Imperial credit for the provision of irrigation, railways, and shipping. It is accordingly desirable that detailed plans for each Dominion should be carefully prepared, and, in this connexion, it should be remembered that other portions of the Empire besides the United Kingdom, e.g., India, may wish to increase their supplies of meat by importation. Further, in the general interests of their export trade, the Dominions may desire to participate in the provisioning of the Continent, especially our Allies, and America with meat.

## APPENDIX.

*The Present Situation: High Prices and Depleted Stocks*.—The present position is that, notwithstanding the virtual elimination of the great European merino-using countries of Germany and Austria, France, and Belgium, the reduction of supplies of merino wool, coupled with the enormously increased takings of the United States and Japan, have resulted in a world-wide depletion of stocks and a current level of prices fully a hundred per cent. above pre-War averages.

*Probable demand after the War*.—It is difficult to estimate what will be the position after the War. It is known, however, that the world's clips, and particularly the merino clips, are not likely to exceed, even if they attain, present proportions. On the other hand, it is reasonable to expect for some years an increased demand for many reasons, amongst which are the following:—

- (a) The demand for civilian clothes by the troops as they are disbanded.
- (b) The demand for civilian requirements, postponed during the War.
- (c) The requirements of the Allies to restock their mills in the devastated districts, and to restore their manufacturing industries.
- (d) The probable continuation of the United States demand, on account of the great prosperity of that country.
- (e) The pressing needs of Germany and Austria, both of which must obviously be almost entirely depleted of raw wool.

It is obvious, however, that there will be a tendency to substitute cotton and other cheaper fibres for wool, and to that extent the cogency of the above reasons will be affected.

*The vital importance of Colonial Merinos to Germany and Austria*.—In this connexion it is necessary to call attention to the vital importance of the merino clips of the British Empire to Germany and Austria. Before the War these countries consumed about thirty per cent. of the Australian and Cape merino clips. These wools, especially the Australian, are an absolute necessity for the manufacture of the fine textiles in the production of which Germany and Austria excel. It is not practicable to substitute other wools for them, as the South



American merinos produce fabrics which are much rougher to handle. It would be possible for enemy States to purchase South American crossbred wools and use them as a substitute for New Zealand wools, but in fine merinos the British Empire possesses a virtual monopoly.

*Need for the control of the Imperial Wool Supplies after the War.*—It has been shown that the British Empire produces sixty-eight per cent. of the world's commercial supply of clothing wools, and that in the fine merino wools the proportion amounts to no less than eighty-five per cent. of the exportable quantity, and constitutes a practical monopoly.

The supplies of the British Empire are, therefore, sufficient to meet the demands of herself and her Allies, and to provide a surplus.

The Committee considers that, having regard to:—

(a) The probable shortage for a considerable period after the War of the supplies of wool, and especially of merino wool; and

(b) The agreement concluded at the Paris Conference between the Allies to conserve for each other before all others their natural resources during the whole period of economic reconstruction, and more particularly to recognize the prior claim of such of the Allies as have suffered spoliation during the War to the restoration of their supplies of raw material;

it is imperative that steps should be taken in consultation with the Dominions to devise and put into operation for a time a workable scheme for safeguarding the supplies, and controlling the distribution, of the wool of the British Empire.

*Suggested Measures for safeguarding Imperial Supplies of Wool.*—The measures now suggested refer to the period after the War. Whatever measures it may be found necessary to adopt during the War under the stress of the military requirements of Great Britain and her Allies, it seems doubtful whether such emergency measures could be maintained for more than a brief period after the conclusion of peace.

At the outset, too much stress cannot be laid upon the fact that this question is essentially one for joint consideration by the Governments of Australia, New Zealand, and South Africa in consultation with His Majesty's Government, and can only be satisfactorily settled by a frank interchange of views and the adoption of a common policy. No effective action is possible without the full co-operation of all the Governments concerned.

The actual measures which have been suggested fall under three heads:—

(a) Export duties.

(b) The control of exports by licence.

(c) State purchase.

(a) *Export Duties.*—The imposition of export duties is a matter which rests entirely with the Dominions Governments. Those Governments could, no doubt, impose such duties, but, in view of the acute shortage of clothing wools, and particularly of merinos, the mere imposition of export duties would not necessarily have the effect either of safeguarding Imperial and Allied supplies or of preventing wool being shipped to neutral countries for enemy account. As a measure of control, therefore, the Committee does not consider an export tariff on British Empire wools likely to prove effectual.

(b) *The Control of Exports by Licence.*—Under this system the Governments of the Dominions, in consultation with His Majesty's Government, would adopt a co-ordinated policy of shipment under licence. The export of wool to neutral countries would be restricted to the surplus available after satisfying the requirements of the British Empire and its Allies. In allocating licences for this surplus regard would be had to the normal requirements of the various neutrals, so that a fair and equitable proportion might be secured by each. Such a scheme would have the advantage of safeguarding the supplies of Great Britain and her Allies, while it would leave to a considerable extent the free play of competition in the Colonial wool markets.

It is essential, however, that this policy should be carried out under the direction of small committees of practical men. If it were found, in practice, that it failed adequately to safeguard the requirements of British and Allied industries and to enable His Majesty's Government to redeem the pledges made at the Paris Conference, then there appears to the Committee to be only one alternative, and that is Government purchase.

(c) *State Purchase.*—A scheme of State purchase, if practicable, would undoubtedly be the most effectual method of maintaining complete control of the Imperial wool supplies.

State purchase, however, appears to the Committee to present great practical difficulties, the character and complexity of which can only be determined by experience. As His Majesty's Government have now decided to purchase the Australian and the New Zealand, as well as the British, clips, they will have acquired an intimate acquaintance with these difficulties before the War is over.

Board of Trade,

March, 1917.

## IX.

### The Trade Commissioner Service.

#### Memorandum by the Board of Trade.

[See discussion on pages 16 to 20 of [Cd. 8566].]

## X.

### Patents and Trade-marks.

#### Memorandum by the Board of Trade.

[See discussion on pages 115 to 123.]

1. THE experience which the Board of Trade has gained in administering the Emergency Acts passed during the War (under which licences are granted to work enemy patents and designs and permission is given to use enemy-owned trade-marks) has led them to consider proposals for the permanent amendment of the Patents, Designs, and Trade-marks Acts in force in the United Kingdom, and in this consideration they have taken expert commercial and legal advice.

The amendments to the Patents, Designs, and Trade-marks Acts which, as a result of this consideration, the Board think desirable are set out in Appendix I.

In view of the desirability of attaining uniformity so far as practicable in the laws relating to these subjects throughout the British Empire, the Board of Trade would be glad if the representatives of the various Governments taking part in the Conference would consider these proposals, with the view to concurrent legislation on similar lines so far as local conditions admit.

2. The Economic Conference of the Allies, held at Paris in June, 1916,\* adopted the following resolution:—

"The Allies undertake to convene a meeting of technical delegates to draw up measures for the assimilation, so far as may be possible, of their laws governing patents, indications of origin, and trade-marks.

"In regard to patents, trade-marks, and literary and artistic copyright which have come into existence during the War in enemy countries, the Allies will adopt, so far as possible, an identical procedure, to be applied as soon as hostilities cease.

"This procedure will be elaborated by the technical delegates of the Allies."

The Conference of technical delegates of the Allied Powers, agreed upon in the resolution quoted above, was held at Paris in December, 1916, and the report of the delegates of the British Government is printed as Appendix II. to this memorandum. It will be seen that, though it was not found possible to arrive at a general understanding among the Allied delegates on all the points touched on by the draft heads of Bill, there is nothing in any of the conclusions of the Conference which runs counter to any of the proposals in that draft.

\* [Cd. 8271.]



## APPENDIX I.

The following are the principal amendments which the Board of Trade consider desirable in the Patents and Designs Act of 1907.

1. *Compulsory Licences and Compulsory Working.*—It is proposed that any abuse of his patent rights by the patentee, either by failure to work or to grant licences on reasonable terms or by unfair conditions imposed on the sale or use of the patented article, shall render him liable to have his patent revoked, or, in the alternative, a compulsory licence granted on reasonable terms. If a *prima facie* case is made out, the patentee will be ordered to state his defence and file his evidence. While the proposed clause is general in its application, it has been framed with a special view of preventing the establishment of any alien monopoly in the country which may be detrimental to the public interests.

2. *Licence Patents.*—It is proposed that the patentee shall be allowed to declare his patent to be "a licence patent" any time after the sealing; and in that case anyone who wishes may claim a licence as a right under the patent. This is intended as an encouragement to the commercial working of inventions and as an assistance to the poorer class of inventors who have not adequate means or opportunity of exploiting their inventions. Only half the ordinary renewal fees are to be paid on a patent so declared. In framing this clause care will be taken that the patentee does not evade the possibility of the revocation of his patent by converting it into a licence patent.

3. *Compulsory Registration of Assignments of Patents.*—It is highly desirable that the register should be a complete record of all transmissions and assignments of patent rights. It has been held by the Courts that under the present law a proprietor of a patent is not bound to register his title. Consequently it is impossible to tell with certainty who is the rightful owner of a patent. It is proposed, therefore, to make the registration of any assignment, transmission, mortgage, or licence of a patent or a design compulsory, by refusing to recognize in the Courts any unregistered title. The definition of "patentee" has consequently been altered. In the future he will be the person appearing on the register as the proprietor of the patent.

4. *Patents in respect of Inventions relating to Drugs or Medicines.*—Various instances have occurred in which Germans have patented a process for producing a new drug or medicine and have also a separate patent or a separate claim for the substance produced by the patented process. The result is that nobody can, until the expiration of the patent, make the drug or medicine by any other process. In Germany and some other countries, the "process" only in such cases is allowed to be patented. In the amendment now proposed no patent is to preclude the free manufacture or the free sale or use of any article for human food or medical purpose.

5. *Extension of Grounds of Opposition to granting Patents.*—It has been urged that the investigations made by the Patent Office are not sufficiently wide in their scope, and that an attempt should be made to make the search universal. From their knowledge of the practice in the United States and Germany, the Board are of opinion that this is an unattainable ideal, but it is proposed that certain additional grounds of opposition should be provided under Section 11, by which the granting of the patent may be opposed:—

- (a) On the ground that the invention has been published prior to the application in any printed (published) document;
- (b) In the case of Convention applications, when the invention described in the specification filed in this country differs from that described in the specification filed in the country of origin, and when the additional matter forms the subject of an application made by the opponent in the interval between the leaving of the application in the foreign State and the leaving of the application in this country.

6. *Sealing of Patents to Assignee.*—It is proposed to make provision for overcoming the difficulty which has arisen in some cases where the applicant has agreed in writing to assign the patent when granted to another party or joint applicant and refuses to proceed with the application. Provision will be made that such cases may proceed, at the request of the person to whom the invention has been assigned, when the original inventor declines to carry out his agreement.

7. *Fraudulent Applications for Patents.*—Section 15 of the Act provides that where a patent has been revoked on the ground of fraud the Comptroller may, on the application of the true inventor, grant him a patent in lieu of the patent so revoked.

It is thought that this power should be extended to cases where the grant has been refused by the Comptroller under the provisions of Section 11 (1a) or revoked under the provisions of Section 26.

8. *Term of Patents.*—It is proposed to extend the term of patents to fifteen years instead of fourteen years. This brings Great Britain into line with the majority of countries who are parties to the International Convention.

9. *Prolongation of Patents in consequence of Loss by War.*—The attention of the Board has been drawn from time to time to the alleged hardships suffered by patentees through their inability to make use of their patent rights by reason of the War. It is proposed to make provision for the extending of the term of patent where it is proved that the patentee has suffered loss by reason of the War.

10. *Patents of Addition.*—At present all patents of addition stand or fall with the original patent, and in the event of the original patent being revoked or expiring by reason of the non-payment of the renewal fees, any patent of addition thereto is also revoked or expires. It is proposed to make provision that, where the original patent is revoked or becomes void, any patent of addition thereon may, if so ordered, become an independent patent.

11. *Invalid Claims of a Patent.*—Considerable hardship has arisen in cases where patents have been held to be invalid, and all redress refused the patentees, by reason of the existence of one bad claim in the specification, the other claims in the specification being good. It is proposed to make provision that, where such a case arises, the Court may give relief (subject to discretion as to costs) in respect of any claims which are infringed, without regard to the invalidity of any other claim in the specification.

12. *Secret User.*—It would appear from the wording of Section 41 (2) that a person might use an invention secretly for a considerable period, and, when his secret was discovered or disclosed by an employee, he could then obtain a valid patent if he at once applied for the grant. It is felt that this should not be so, and it is proposed that the protection afforded by this section should not extend to cases where the invention was worked commercially for more than six or twelve months prior to the publication referred to therein.

13. *Designs.*—The only check at present on the registration of designs is in the case where a complete and almost identical design is found upon the register, and the consequence is that a large number of worthless and unoriginal designs are registered which may be used to hamper trade. It is proposed, therefore, to give the Comptroller power to cancel any design which has been published in the United Kingdom prior to the date of registration. It is further proposed to amend the present Section 58 to provide for the cancellation of the registration of a design where it is applied by manufacture to any article in a foreign country and is not so applied by manufacture in this country to an extent such as might be reasonably anticipated under the circumstances of the case, and within a reasonable time. It is also proposed to amend the definition of a design in Section 93 in order to bring it within the principles of the existing legal decisions.

14. *Register of Patent Agents.*—Representations have been made to the Board from time to time that it is undesirable that any person should be allowed to practise as an agent for obtaining patents unless he is registered as a patent agent. The present section has not been effective in cases of persons who practise as agents but who do not use the exact words "patent agent." It is therefore proposed to strengthen the section by prohibiting any person from practising for the purpose of obtaining patents unless he is registered as a patent agent. This, it is hoped, will have the effect of uniting and consolidating the profession of patent agents and bringing them under a recognized disciplinary authority.

## Trade-marks.

Proposals for the amendment of the Trade-marks Acts may be divided into heads:—

1. Proposals having for their object the provision of facilities for the registration in the United Kingdom of marks which, though not registrable under existing legislation, are nevertheless common law marks, and could be protected in the form of action known as a "passing-off action."



2. Proposals having for their object the prevention of the abuse of word marks, such abuse consisting in the use by the trade-mark owner of his word mark, not for its proper purpose of distinguishing the goods of the trade-mark owner from the goods of other persons, but for the purpose of giving a name to an article, and, under the protection of a trade-mark, really obtaining a monopoly of the manufacture of the article.

As regards 1, most foreign countries require as a condition of registration in their country that any person who is not a subject of their State shall, as a condition precedent to registration, prove that they have obtained registration in their country of origin.

Many very valuable marks, which in fact are clearly distinctive of a particular trader's goods, cannot be registered as trade-marks in the United Kingdom under existing legislation, and cannot therefore be registered as trade-marks by British subjects in foreign countries.

In practice in the case of many such marks, traders in foreign countries (frequently traders of German origin) have actually registered such marks in foreign countries as their own trade-marks and sought to use such trade-marks to pass off their own goods as the goods of the British trader, and have even endeavoured, by means of such trade-marks, to restrain the importation of British goods bearing such marks, although the value of such mark had been built up in the past by the British trader.

In the amendment suggested it is proposed to provide a new part of the Trade-mark Register, to be known as part "B," wherein all such common law marks shall be registered. By such registration it is proposed that the only powers that the owner of such a mark will have in the United Kingdom will be such powers as he would have had in a passing-off action, except that the onus of proving that the mark has not been infringed is shifted to the defendant. The proposals made will, in the opinion of the Board, enable British trade-mark owners to obtain protection for their marks in foreign countries, whilst at the same time affording a useful record of common law marks in use in the United Kingdom. As regards common law marks so registered in part "B," substantially no greater rights in the United Kingdom will be acquired by registration than are at present capable of being enforced in a passing-off action.

The second proposal is aimed at the abuse of the Trade-marks Act which has occurred in the past, principally by the German chemical industry, that is to say, the registration of words in respect of chemical products, the result of which has been that the article has become known under the trade-mark name only, and the public have been forced into the position, by ingenious advertisements and other propaganda, of asking for the article under the trade-mark in the belief that the trade-mark was the name of the article. It is therefore proposed to provide that, where any person registers a word trade-mark, and, by advertisement or otherwise, so acts as to lead to the general use by the public of the word so registered as the name or general description of any article or type of article, and not as denoting or connoting an article or type of article made, selected, certified, dealt with, or offered for sale by, himself, such trade-mark shall, notwithstanding the provision of Section 41 of the principal Act, be removed from the Register of Trade-marks by the Court upon the application of any person aggrieved. It is further proposed to allow a period of four years within which the proprietors of such marks already on the register may take the necessary steps to remedy any misuse of their marks which may have occurred.

## APPENDIX II.

### ECONOMIC CONFERENCE OF THE ALLIES AT PARIS.

#### *Conference of Technical Delegates in accordance with Resolution C. III.—Report by the British Delegates.*

SIR,

In accordance with our instructions we attended the Conference of technical delegates of the Allied countries convened (1) for the purpose of drawing up measures for the assimilation, as far as possible, of the laws of the Allied countries governing patents, indications of origin and trade-marks, and (2) for the purpose

of considering the procedure to be applied, as soon as hostilities cease, to patents, trade-marks, and literary and artistic copyright which have come into existence during the War in enemy countries.

The Conference was held under the presidency of M. Clémentel and the sittings took place at the Ministry of Foreign Affairs on the 14th, 15th, and 16th of December.

The following countries were represented: Belgium, France, the United Kingdom, Italy, Japan, Portugal, Russia, and Serbia; and the names of the delegates are given below under the various countries:—

#### *Belgium.*

- M. JULES DESTREE, Membre de la Chambre des Représentants.  
M. MAURICE FERON, Membre de la Chambre des Représentants.  
M. DE VISSCHER, Avocat à la Cour d'Appel de Gand.  
M. AD. BREYNE, Directeur du Bureau de Paris de l'Office National Belge du Travail.

#### *France.*

- M. FERNAND GAVARBY, Ministre plénipotentiaire de 1ère Classe, Directeur des Affaires Administratives et Techniques.  
M. LOUIS RENAULT, Ministre plénipotentiaire honoraire, Membre de l'Institut, Jurisconsulte du Ministère des Affaires Etrangères.  
M. MAURICE HERBETTE, Ministre plénipotentiaire de 1ème Classe, Sous-Directeur des Unions Internationales et des Affaires consulaires.  
M. LANDRY, Député, Membre de la Commission de Commerce et de l'Industrie.  
M. CHARMEIL, Directeur du Personnel, des Expositions et des Transports.  
M. DROUETS, Directeur de l'Office National de la Propriété Industrielle.  
M. JOUANNY, Membre de la Chambre de Commerce de Paris.  
M. TAILLEFER, Avocat à la Cour d'Appel de Paris, Membre de la Commission Technique permanente de l'Office National de la Propriété Industrielle.  
M. MAILLARD, Avocat à la Cour d'Appel de Paris, Membre de la Commission Technique permanente de l'Office National de la Propriété Industrielle.  
M. HENRI ALLART, Avocat à la Cour d'Appel de Paris.  
M. CHAUMAT, Secrétaire-Général de la Commission supérieure des Inventions.  
M. VALENTINO, Chef de la Division de l'Enseignement des Travaux d'art, au Sous-Secrétariat d'Etat des Beaux-Arts.

#### *United Kingdom.*

- M. W. TEMPLE FRANKS, Comptroller-General of Patents, Designs, and Trade-marks.  
M. A. J. MARTIN, of the Patent Office.

#### *Italy.*

- M. VENEZIAN, Inspecteur de l'Enseignement Industriel et Commercial, chargé de la Direction de la Propriété Industrielle.

#### *Japan.*

- M. SADA O SABURI, Secretary to the Japanese Embassy at Paris.

#### *Portugal.*

- M. JOSÉ D'OLIVEIRA SIMOES, Directeur-Général du Commerce et de l'Industrie au Ministère des Travaux Publics.

#### *Russia.*

- M. SEVASTOPOULO, Conseiller de l'Ambassade Impériale à Paris.  
M. BATCHEFF, Attaché commercial à cette Ambassade.  
M. CHEVALEFF, Chef de Section au Ministère Impérial du Commerce et de l'Industrie.  
M. SABLINE, Première Secrétaire de l'Ambassade Impériale à Londres.

#### *Serbia.*

- M. YOVAN JOUYOVITCH, ancien Ministre, Professeur à l'Université de Belgrade, Président de l'Académie Serbe.  
M. MILAN KAPETANOVITCH, Député, ancien Ministre.  
M. VELISLAV VOULOVITCH, Député, ancien Ministre.



We think it necessary, in the first instance, to express some disappointment with regard to the nature of the Conference. From the wording of the resolution number C. III. of the Economic Conference held in Paris in June last, we were under the impression that a more or less informal discussion would take place between the technical experts of each Allied country with regard to the differences which at present exist between the laws relating to industrial property and artistic and literary copyright in the Allied countries; and that in each case an attempt might be made to reach some basis of agreement in order to bring about a greater harmony and similarity between the respective legislatures.

Unfortunately this was not the case. The French representatives, headed by M. Clémentel, were largely political; and as a consequence little or no discussion took place on the various laws and systems of the Allied countries. The resolutions already drawn up were put one by one to the meeting by the President, and each country was invited in turn to make its formal observations thereon, after which a vote was taken on the particular resolution. No opportunity was consequently afforded for detailed discussion, and each country either accepted the resolution, or did so subject to certain reservations. With regard to the after-War treatment of patents, trade-marks, literary and artistic copyright which had come into existence during the War in enemy countries, this question, which we regarded as of great importance, was left until the end of the Conference, and was disposed of almost without discussion. The resolutions relating thereto were not accepted unanimously.

In spite, however, of the unsatisfactory features alluded to above, we think the general assent given to the majority of the propositions put forward in the programme by the countries represented was of considerable value. In very many cases the propositions were in reality a statement of our own law, and their acceptance by the Conference may perhaps be taken as evidence of a considerable advance towards a higher standard of industrial law among the countries represented.

The recommendations as finally passed by the Conference are as follows:—

#### RESOLUTIONS.

16 Decembre, 1916.

#### I.—RÉGIME APPLICABLE APRÈS LA GUERRE DANS LES PAYS ALLIÉS AUX DROITS DE PROPRIÉTÉ INDUSTRIELLE ET DES PROPRIÉTÉS LITTÉRAIRE ET ARTISTIQUE DES RESSORTISSANTS DES PAYS ENNEMIS.

##### I.—Propriété Industrielle.

La Conférence des délégués techniques estime qu'aucune action ne pourra être exercée dans les pays alliés par des ressortissants des pays ennemis, en raison de faits qui se seraient produits entre la date de la déclaration de guerre et celle de la conclusion de la paix et qui auraient pu être considérés comme susceptibles de porter atteinte à des droits résultant de brevets d'invention, marques de fabrique ou de commerce, dessins et modèles. Aucune action ne sera également recevable dans les pays alliés pour tous faits quelconques qui seront accomplis à la suite de décisions prises en conformité des lois desdits pays pendant la durée de la guerre, à l'égard des brevets, marques, dessins et modèles.

Sous ces réserves et sans préjudice de toutes dispositions d'ordre public que chaque pays allié croirait devoir adopter vis-à-vis des ressortissants des pays ennemis, lesdits ressortissants, ayants-droit ou déposants de brevets d'invention, marques de fabrique ou de commerce, dessins ou modèles, seront, moyennant la plus entière et la plus stricte réciprocité, accordée en pays ennemi aux ressortissants des pays alliés, remis en possession de tous les droits acquis ou éventuels dont ils jouissaient au jour de la déclaration de guerre, ou qu'ils auraient pu acquérir pendant la durée de la guerre, pourvu qu'ils accomplissent dans un délai déterminé toutes les formalités ou obligations prescrites par les lois et règlements intérieurs de chaque pays pour la conservation desdits droits.

Toutefois le dépôt d'une demande de brevet d'invention effectuée en pays alliés par des ressortissants des pays ennemis, en réclamant le droit de priorité de la Convention Internationale d'Union, ne pourra, en aucun cas, porter atteinte aux droits qui résulteraient pour toute personne d'un brevet d'invention pris régulièrement et de bonne foi, dans les pays alliés unionistes, pendant la durée de la guerre.

#### II.—Propriété Artistique et Littéraire.

La Conférence des délégués techniques estime qu'aucune action ne pourra être exercée ou aucune réclamation valablement formulée dans les pays alliés par les ressortissants des pays ennemis pour des faits qui se seraient produits entre la date de la déclaration de la guerre et celle de la conclusion de la paix, et qui auraient pu être considérés comme susceptibles de porter atteinte aux droits de propriété littéraire et artistique.

Sous la réserve d'une complète réciprocité, les ressortissants des pays ennemis, seront dans les pays alliés, remis à partir de la conclusion de la paix en possession des droits dont ils jouissaient au moment de la déclaration de guerre ou ils acquerront, à partir de la conclusion de la paix les droits résultant éventuellement des œuvres, créées ou édictées pendant la durée de la guerre.

Toutefois l'écoulement pendant un délai déterminé après la conclusion de la paix, de toutes éditions faites pendant la durée de la guerre, ne pourra donner lieu en pays alliés, à aucune action ou revendication de la part des ressortissants des pays ennemis.

#### II.—DISPOSITIONS RELATIVES AUX DROITS DE PROPRIÉTÉ INDUSTRIELLE DES RESSORTISSANTS DES PAYS ALLIÉS PENDANT LA GUERRE ET APRÈS LA GUERRE.

(1) *Inventions intéressant la Défense Nationale.*—Si l'un des pays alliés ayant interdit la publication d'une invention susceptible d'intéresser la Défense Nationale autorise cependant l'inventeur à déposer une demande de brevet pour ladite invention dans un autre pays allié, sous la condition qu'elle ne sera pas publiée pendant toute la durée de la guerre, cette condition sera toujours rigoureusement observée sur la demande qui en sera faite à l'administration compétente par l'inventeur ou son mandataire.

(2) *Remise en possession des droits de propriété industrielle, postérieurement aux hostilités.*—Les ressortissants des pays alliés titulaires, ayants droit ou déposants de brevets d'invention, marques de fabrique ou de commerce, dessins et modèles, seront, dans tous les pays alliés remis, après la guerre, en possession de tous les droits acquis ou éventuels dont ils jouissaient au jour de la déclaration de guerre, ou qu'ils auraient pu acquérir pendant la durée des hostilités pourvu qu'ils accomplissent dans un délai déterminé, qui devra être aussi large que possible, toutes les formalités ou obligations prescrites par les lois et règlements intérieurs de chaque pays.

#### III.—PROPOSITIONS EXAMINÉES PAR LES DÉLÉGUÉS TECHNIQUES EN VUE DE RÉALISER SI POSSIBLE L'UNIFICATION DES LÉGISLATIONS CONCERNANT LA PROPRIÉTÉ INDUSTRIELLE.

##### I.—Brevets d'invention.

(1) *Obligation d'exploiter et licences obligatoires.*—Il est désirable qu'une entente intervienne entre les pays alliés à l'effet de décider que la non exploitation d'un brevet d'invention n'entraînera pas nécessairement la déchéance des droits du breveté, sous la réserve toutefois:

1°—qu'il pourra être concédé des licences obligatoires;

2°—que chaque pays conservera le droit de révoquer ou d'exproprier le brevet en cas d'abus du monopole dûment constaté.

(2) *Précisions nécessaires des descriptions ou spécifications de brevets d'invention.*—Il est utile que toutes les lois des pays alliés disposant expressément qu'aucun brevet ne sera réputé valable si la description ou spécification qui y est jointe n'est pas suffisante pour l'exécution de l'invention ou si elle n'indique pas, d'une manière complète et loyale les véritables moyens de l'inventeur.

(3) *Brevetabilité des produits chimiques et des médicaments.*—Il convient que toutes les législations des pays alliés adoptent une disposition aux termes de laquelle ne seraient susceptibles de faire l'objet d'un brevet d'invention les produits résultant de la combinaison d'éléments chimiques définis, et les compositions pharmaceutiques ou remèdes de toute espèce sans que toutefois cette exception s'applique aux procédés, dispositifs ou moyens servant à les obtenir, étant entendu d'ailleurs que l'effet des brevets relatifs à des procédés, dispositifs ou moyens s'étendra aux produits directement obtenus à l'aide desdits procédés, dispositifs ou moyens.

(4) *Transcription obligatoire de tous les actes affectant la propriété d'un brevet d'invention.*—Il y a intérêt à ce que toutes les législations des pays alliés disposant qu'aucun acte de cession ou de concession de droit relatif à



un brevet, et généralement aucun acte affectant la propriété d'un brevet, ne seront valables, à l'égard des tiers, qu'après avoir été inscrits sur un registre public tenu par l'administration compétente de chaque pays.

(5) *Durée des brevets d'invention.*—Il est désirable que toutes les législations des pays alliés adoptent une durée uniforme, aussi large que possible pour les brevets d'invention.

(6) *Création d'un Bureau Central des brevets d'invention.*—Il est désirable dans l'intérêt des inventeurs appartenant aux pays alliés, d'envisager la création par lesdits pays alliés, d'un bureau central pour les brevets d'invention.

Le Bureau central devrait être établi à Bruxelles.

(7) *Admission des tiers à former opposition à la Délivrance des brevets d'invention.*—Il est désirable que toutes les législations de tous les pays alliés, afin de donner une sécurité plus grande aux brevetés, permettent aux tiers intéressés, avant la délivrance des brevets d'invention, de former opposition à cette délivrance en faisant valoir toutes les antériorités dont ils auraient connaissance en ce qui concerne l'objet de l'invention en cause.

## II.—*Marques de fabrique.*

(1) *Droits de propriété de la marque.*—Il est conforme à l'équité que toutes les législations des pays alliés reconnaissent que la propriété de la marque appartient toujours en principe au premier usager, et, par voie de conséquence, que toute marque servant à distinguer des produits, même lorsqu'elle n'est pas enregistrée, puisse être protégée par le droit commun, et les lois sur la concurrence déloyale.

(2) *Simplification des formalités d'enregistrement des marques de fabrique.*—Il est désirable de simplifier les formalités et de diminuer les frais résultant pour les industriels et commerçants des pays alliés du dépôt de leurs marques dans chaque pays.

(3) *Transcription obligatoire de tous les actes affectant la propriété des marques.*—Il y a intérêt à ce que toutes les législations des pays alliés disposent qu'aucun acte de cession ou de concession de droit relatif à une marque, et généralement, aucun acte affectant la propriété d'une marque, ne seront valables à l'égard des tiers, qu'après avoir été inscrits sur un registre public tenu par l'administration compétente de chaque pays.

## IV.—*DESSINS ET MODÈLES.*

(1) *Protection des dessins et modèles relatifs à l'architecture et à tous les arts plastiques.*—Il est désirable qu'un accord puisse intervenir entre tous les pays alliés au sujet de la protection à accorder aux dessins et modèles concernant l'architecture et les arts plastiques, lorsque ces dessins et modèles devront être appliqués à l'industrie.

(2) *Disposition tendant à donner le moyen de prouver la priorité de création des dessins et modèles.*—Il convient d'envisager entre les pays alliés la création de moyens simples et pratiques pour permettre éventuellement aux ressortissants desdits pays alliés d'apporter en cas de contestations, une présomption sérieuse de la priorité de création des dessins et modèles.

### *Questions Accessoires.*

*Adoption d'une classification uniforme des brevets, marques, dessins ou modèles.*—En vue de faciliter les recherches, il serait opportun que les divers pays alliés se missent d'accord pour adopter une classification identique des brevets, dessins ou marques ou tout au moins, si des difficultés pratiques trop considérables exigent le maintien des classifications existantes, une classification uniforme auxiliaire, se juxtaposant à la classification de chaque pays.

## V.—*INDICATIONS D'ORIGINE.*

(1) *Répression des fausses indications de provenance sur les marchandises.*—Il est désirable que tous les pays alliés se mettent d'accord pour assurer, aussi strictement que possible, la répression des fausses indications de provenance sur les marchandises, soit par l'introduction dans leurs législations particulières de sanctions pénales appropriées, soit par la prohibition et la saisie à l'importation de tous les produits portant sur eux-mêmes ou sur leur conditionnement immédiat, avec lequel ils sont généralement mis en vente, des marques, inscriptions, signes quelconques, susceptibles de faire croire que la produit a une origine autre que la véritable origine ou de créer quelque confusion dans l'esprit des acheteurs.

(2) *Appellations régionales.*—Il est utile que les pays alliés se mettent d'accord pour adopter une interprétation uniforme en ce qui concerne les indications d'origine des produits consistant dans le nom d'un pays, d'une région ou d'une ville.

## VI.—*APPLICATION DES MESURES PRISES PAR LA CONFÉRENCE DES DÉLÉGUÉS TECHNIQUES.*

(1) *Constitution d'une délégation permanente.*—Les pays alliés établiront à Paris une délégation permanente en vue de préparer la réalisation et de prévoir les détails d'exécution des résolutions adoptées par la Conférence des délégués.

### *OBSERVATIONS.*

I.—*Régime applicable après la guerre dans les pays alliés aux droits de propriété industrielle et des propriétés littéraire et artistique des ressortissants des pays ennemis.*

With regard to (1) *Propriété Industrielle.* The Belgian delegates were extremely anxious that no possibility of any publication should occur, and it was clearly understood that all the resolutions should be kept secret. They further objected to the first paragraph, and were only prepared to accept the second and third paragraphs. The Italian delegates took the same view, whereas Russia accepted the first paragraph but objected to the second and third, on the ground that they had completely avoided all German patents and had no intention at the moment of restoring the grants. On the resolution being put to the meeting, it was stated to be accepted, subject to the reservations by Belgium, Italy, and Russia. We obtained the insertion of the words "*sans préjudice de toutes dispositions d'ordre public que chaque pays allié croirait devoir adopter vis-à-vis des ressortissants des pays ennemis*," in order to satisfy an objection raised by the Colonial Office. The delegate from Japan, who was a Secretary from the Japanese Embassy in Paris, stated that he was unable to accept or object to any of the resolutions on behalf of his Government, but would communicate to his Government what transpired at the Conference: consequently we did not have the advantage of hearing the views of the Japanese Government on this or any of the other resolutions.

(2) *Propriété Artistique et Littéraire.*—The views expressed by the delegates on the first resolution apply equally to this resolution, and the result was the same.

II.—*Dispositions relatives aux droits de propriété industrielle des ressortissants des pays alliés pendant la guerre et après la guerre.*

(1) *Inventions intéressant la Défense Nationale.*—This resolution was not in the original programme, and was moved at our instigation in order that, where the publication of an invention relating to munitions of war had been prohibited in this country under the provisions of the Order in Council of the 14th October, 1915, but permission had been given for application for a patent for the invention to be made in the Allied countries on condition that no publication should take place during the War, the Allied countries would formally agree to do their best to carry out the conditions imposed. Our experience of the working of the Order in Council led us to think that such an agreement would be desirable. Belgium, France, Italy, Portugal, Serbia, and Great Britain accepted this proposal; but Japan and Russia were unable to give their agreement, as their laws did not make any provision for this purpose. They agreed, however, to consult their Governments on the question.

(2) *Remise en possession des droits de propriété industrielle, postérieurement aux hostilités.*—This resolution was not in the original programme, and was put forward by the French. We felt justified in giving it our whole-hearted support. Belgium, Portugal, and Serbia also accepted it, but Italy and Japan were unable to do so without consulting their respective Governments.

III.—*Propositions examinées par les délégués techniques en vue de réaliser si possible l'unification des législations concernant la propriété industrielle.*

### *I.—Brevets d'invention.*

(1) *Obligation d'exploiter et licences obligatoires.*—This resolution was accepted by all the delegates, subject to the reservations by (a) the Japanese representative that he was not empowered to give an unqualified assent thereto; (b) the delegates



of Russia that at present their law did not provide for the grant of compulsory licences.

(2) *Précisions nécessaires des descriptions ou spécifications de brevets d'invention.*—This resolution was accepted unanimously.

(3) *Brevetabilité des produits chimiques et des médicaments.*—This resolution was accepted unanimously.

(4) *Transcription obligatoire de tous les actes affectant la propriété d'un brevet d'invention.*—This resolution was accepted unanimously.

(5) *Durée des brevets d'invention.*—The wording of this resolution does not bind any one of the Allies to any definite term for the duration of the patent, but we were informed that France intended to propose the extension of the term of their patents, which is at present fifteen years, to twenty years, and we were strongly urged to do the same. We informed the Conference that it was already proposed to extend the term of British patents to fifteen years; and it would be difficult, if not impossible, to agree to any further extension. Belgium, France, Portugal, and Serbia accepted the resolution, but we, in accepting it in its present form, stated that at the moment we were unable to accede to any definite extension of the term beyond fifteen years. Russia and Italy expressed themselves to the same effect. M. Clémentel, in conclusion, asked us specially to consider if some further extension, say, to sixteen years, would not be possible in Great Britain.

(6) *Création d'un Bureau Central des brevets d'invention.*—This resolution in its original form proposed the formation of a central bureau at Brussels for two purposes: (1) to act as general agency for the taking out of patents in the Allied countries, and (2) for enabling what is termed a "universal search" for anticipations to be made in regard to any application for a patent made in the Allied countries; this was to be at the special request of the applicant.

As regards (1), this was intended merely to facilitate applications throughout the Allied countries, and the difficulty of giving a whole-hearted acceptance lay in the fact that by our own practice it is necessary to appoint an agent in this country to conduct all patent applications. The result, therefore, might be a duplication of agency and extra expense in the case of Great Britain. As regards other countries, which do not profess to make a search, and where, consequently applications and registrations are simple matters, there would be no difficulty, and no objection to the establishment of such a bureau. We pointed this out to the Conference.

As regards (2), the origin of this proposal was the desire of the French to set up some organization to compete with the German Patent Office. The German Patent Office professes to carry out what is termed a "universal search" for anticipations, namely, a search into anticipations which may be found in any country in the world. It has already been considered in this country that such a search is a practical impossibility, but there is no doubt that the pretensions of the German Patent Office have caused business men in various countries to ask for a German patent as a preliminary to financing any invention. This was naturally strongly resented by France and other countries, and the idea of establishing a bureau at Brussels to undertake a similar search was the result. The French were apparently not prepared themselves to undertake the establishment of such an office in Paris, and the proposal made is an alternative. We felt ourselves unable to accept the proposal without much further consideration and investigation, both as to the necessity for such a bureau as regards this country and the possible expense. We pointed out the illusory nature of what is called a universal search; and that, as regards countries like ourselves, which had established a search for anticipations, it would be impossible to accept the search at Brussels as final. The success of such a bureau in competition with Germany would only be effective if the search were efficiently conducted, and this would be a matter of considerable difficulty and considerable expense. The proposition was accepted wholly by Belgium, Italy, and Serbia, but not by Russia, who stated that they were only prepared to agree to a bureau for giving general information and assistance to applicants in the Allied countries. As the result, the original proposal was withdrawn and the present somewhat colourless resolution agreed to, it being left for consideration at a later date what steps should be taken to bring about the establishment of such a bureau, and what form it should ultimately take. In accepting the resolution we undertook to recommend the establishment of a central bureau at Brussels for the purpose of furnishing information and assistance to the inventors of Allied countries, and further agreed to consider

sympathetically the extension of the bureau for the purposes set forth in the original proposition. It should be added that the greatest possible importance was attached to this resolution by the French, who considered it the most important and the most essential of all the propositions brought forward.

(7) *Admission des tiers à former opposition à la Délivrance des brevets d'invention.*—This resolution was accepted unanimously.

## II.—*Marques de fabrique.*

(1) *Droits de propriété de la marque.*—This resolution was accepted unanimously, and we think that if it is carried out in a proper spirit it marks a considerable advance in the attitude of our Allies upon the important question of the recognition of first user, apart from registration, with regard to the property of trade-marks.

(2) *Simplification des formalités d'enregistrement des marques de fabrique.*—This resolution was accepted unanimously.

(3) *Transcription obligatoire de tous les actes affectant la propriété des marques.*—This resolution was accepted unanimously.

## IV.—*Dessins et modèles.*

(1) *Protection des dessins et modèles relatifs à l'architecture et à tous les arts plastiques.*—This resolution gave M. Georges Maillard an opportunity of reiterating his views on the protection to be afforded to artistic works, apart from the question of whether they were applied to articles of manufacture or not. The resolution was accepted unanimously, and, in accepting it, we did so under the reservation that so far as concerns "arts plastiques" applied to industry, the laws of Great Britain make a distinction between such designs and those which receive protection under the copyright law.

(2) *Disposition tendant à donner le moyen de prouver la priorité de création des dessins et modèles.*—Under this resolution the French drew attention to their scheme of depositing designs in duplicate in a sealed packet, which should be perforated with the date of deposit and given a number, one copy being handed back to the proprietor of the design and one retained by a Central Office, thus affording an easy means of proving the date upon which the design was deposited. While this scheme is not embodied in the resolution, it appears clear that this was the object of the resolution, and we felt it necessary to explain our position with regard to it. In accepting the resolution as it stands we said that we did so provided the deposit of such designs in this way should be permissive and not a necessary preliminary to proof of authorship at any given date.

## Questions Accessoires.

(1) *Adoption d'une classification uniforme des brevets, marques, designs ou modèles.*—This resolution was accepted, but in doing so we explained that we did so only as regards the formation of a uniform International classification side-by-side with the classification of each country of designs and trade-marks. We added that we did not believe that uniform classification for patents was practicable, as it necessarily changed from time to time as inventions developed.

## V.—*Indications d'Origine.*

(1) *Répression des fausses indications de provenance sur les marchandises.*—This resolution was accepted unanimously.

(2) *Appellations régionales.*—This resolution was finally accepted after some discussion raised by Russia as regards those appellations which had become "generic" by popular usage. In accepting the resolution we stated that we were not authorized at the moment to accept any special application of the resolution; and Italy and Russia made reservations to the same effect.

M. Clémentel in his speech touched directly on the question of wines, and appealed to Great Britain to consider the question sympathetically.

## VI.—*Application des mesures prises par la Conférence des délégués techniques.*

This resolution was not in the original programme, but it was rendered necessary owing to the nature of the Conference and the necessity of a further consideration of details and of the practical form in which the resolutions might be carried out. For this purpose it was stated that it would be necessary to hold a further Conference, some time in the early spring; in the meantime the various



countries were asked to consider how far they could go in order to effect unanimity on the questions raised. We stated that we had no authority to accept this resolution, but raised no objection.

At the conclusion of the Conference we stated generally that we had authority only to represent the United Kingdom; that the Self-governing Dominions had not been specially consulted; and that their views might be of considerable importance in coming to any decision on the outstanding questions.

We have, &c.,

W. TEMPLE FRANKS.  
A. J. MARTIN.

The Right Honourable  
The President of the Board of Trade.  
17th January, 1917.

# XI.

Minute by the Prince of Wales on the Care of Soldiers' Graves.

[See pages 132-136 of [Cd. 8566].]

# XII.

Draft Charter. Imperial War Graves Commission.

Original Draft and First Revise.

[See pages 137-144 of [Cd. 8566].]

# XIII.

Draft Charter. Imperial War Graves Commission.

Second Revise.

[See pages 145-150 of [Cd. 8566].]

# XIV.

Note from His Majesty's Ambassador at Paris to the French Minister for Foreign Affairs.

[See pages 150-151 of [Cd. 8566].]

# XV.

Nationality and Naturalization.

Memorandum prepared by Home Office.

[See pages 152-156 of [Cd. 8566].]

# XVI.

Income Tax—United Kingdom and Dominions.

Memorandum by the Board of Inland Revenue.

[See page 156 of [Cd. 8566].]

## XVII.

Development and Control of the Empire's Mineral Resources and Protection of the Metal Supplies required by the Empire's Industries.

Memorandum by the Minister of Munitions.

[See discussion on pages 123 to 131 and 150 to 173.]

THE object of this memorandum is to suggest a plan whereby the mineral resources of the Empire can be ascertained and developed, with a view to meeting the metal requirements, and whereby the minerals and metals can be treated and marketed by an organization which will be free from alien control. As a part of the plan, it is necessary that British (in its widest sense) owned properties in foreign countries should be encouraged so as to supplement any deficiencies in Empire supplies.

### Imperial Mineral Resources Commission.

The first necessity is to set up an organization, representing all parts of the Empire, capable of ascertaining the mineral resources of the Empire and the metal requirements of the Empire, and of advising what steps should be taken to meet the requirements, with power to conduct such research or experiment as it may find necessary for these purposes.

It is suggested that this organization should be a permanent commission, upon which will be represented Great Britain, the Dominions, and India, that grants from each of the Governments concerned should be made to enable it to carry out its above defined duties.

This Imperial Commission should be in touch with the Department of Mines, or the Development Commissions of the States of the Empire, and should gather, collate, and distribute the information obtained, both as to requirements and resources.

It is desired to supplement State and individual efforts, and not to supersede them. In each part of the Empire the local authority will do what seems best to facilitate mining by removing any unnecessary restrictions and giving such financial assistance as it may think fit. In Great Britain the Mineral Resources Development Branch of the Ministry of Munitions is already giving financial and technical assistance to the development of iron-ore, pyrites, and zinc, and is preparing to assist copper and lead.

Individuals are also being assisted by remission of excess profits taxation to set up smelter plants and to extend lead refining. But such assistance does not now form part of any concerted plan; indeed, the reverse is the case, for when His Majesty's Government made arrangements with the Australian Government to purchase zinc concentrates for a term of years, and also to give a guarantee as to the price of spelter, no similar arrangement was made regarding ores mined in Great Britain or the spelter arising therefrom.

While the Commission will act as an Empire intelligence system, and bring to light deficiencies which the Government of the various parts of the Empire may by direct action deal with in part, there will, it is thought, remain much to be done which would be better done by commercial interests, assisted by, rather than superseded by, the Governments.

### British Metal Corporation.

It is suggested that the further assistance, being of a financial and commercial nature, should be provided by a corporation working on commercial lines, but working in close touch with the Commission. Large credit or capital is required. It is not thought likely that the capital would be subscribed by private individuals during the War, so as to enable the organization to be set up and able to operate during the War and immediately afterwards. Moreover, the power yielded by such a corporation would be such as to influence profoundly the development of industry.

The capital, say £20,000,000, should be subscribed by His Majesty's Government and such of the Dominions as will participate; ten per cent., or £2,000,000, only need be paid up, as the uncalled capital would ensure the credit required.\*

\* If and when it is desired to relax State control and participation, the whole or any part of the capital could be offered for subscription by the public at any future date.



The plan of operation of the British Metal Corporation can be summarized briefly:—

(1) To select mining propositions within the Empire and, so far as it may be necessary, to supplement Empire resources also in foreign countries, and to ensure their development by assisting:—

(a) Companies to be formed with capitals wholly or partly subscribed by the public

(b) Individual owners

(c) Local State authorities

to work them on a profit-sharing basis or by the purchase of the output.

(2) To assist in the establishment of commercial companies to erect and operate smelters and refineries.

(3) To purchase and sell minerals and metals through a selling organization.

#### *Purchase of Metals.*

The control, i.e., prohibition without licence of the purchases of metals, will have to be maintained during the period of reconstruction, so that essential industries may be rationed, and adverse exchange mitigated; it may be desirable to entrust the purchases to the British Metal Corporation or its selling organization.

#### *Smelters and Refineries.*

The permanent control of the metal production has in the past been more influenced by the possession of smelters and refineries than by the ownership of mines, and until the Empire is self-supporting in smelters and refineries it can never be free of adverse control, though meanwhile the position may be safeguarded by purchase of metals. The provision of smelting and refining capacity will, therefore, be one of the principal immediate duties of the metal corporations.

#### *Dominion Metal Corporations.*

Similar corporations with the same objects might be formed under local Government auspices in the Dominions and India, each interested in the share capital, and, therefore, in the prosperity of the British Metal Corporation, or to operate in partnership with the British Metal Corporation, and, if so formed, all business arising in the Dominions would be taken up by the British Metal Corporation only through the corporations of the Dominions concerned.

#### *Inter-Allied Arrangements.*

The corporation will prove an easy means of making commercial agreements—as distinct from treaties—with corporations having similar objects formed by our Allies.

In order to complete the Paris Conference resolution it would be necessary also to establish an Allies Metal Commission, to sit in London, and to consist of nine members, three representing the United Kingdom, one each Australia, Canada, and the Cape, two representing France, and one Belgium.

#### *Objects of the Allies Metal Commission.*

1. To allocate amongst the States of the Empire, and afterwards the Allied States, in accordance with the Paris Conference, metals produced in any of the States that are in excess of the requirements of the producing State.

2. To arrange with the exporting States as to the allocation of the exportable surplus.

3. To prepare world statistics of metals.

#### *Constitutional Questions.*

The plan calls for votes of money from the United Kingdom and the Dominion Legislatures to cover the expenditure of the Imperial Mineral Resources Commission. These votes may be annual votes, and so the policy of the Commission may come up for review annually. The British Metal Corporation requires also a vote for the subscription of its share capital from the consolidated fund of the United Kingdom, and each of the Dominion corporations require similar votes of their own

legislatures. Those votes will come before Parliament once only, but as it is intended that the respective Governments should be the sole shareholders in the corporations, as shareholders they have power to terminate the operations of the corporations in the last resort, but the corporations are free from most forms of Parliamentary patronage; each Government ought, however, to retain the right to nominate the majority of the board of its own metal corporation.

The subsidiary companies formed to work the individual mines, or to run the individual smelters or refineries, would, however, as a rule, have a board partly composed of persons nominated by the corporations and partly of the other financial interests concerned. These boards would be protected from Government patronage, and, so far as the subsidiary companies employed labour, the Governments would not be directly responsible for the labour so employed, although such labour would be subject to the ordinary labour laws of the State, and it should be a condition that the companies should observe the obligations of "best employers."

The accounts of the Imperial Mineral Resources Commission would be subject to the audit of the Accountant and Auditor-General, and would be presented to Parliament annually, and so also might the accounts of each metal corporation. The subsidiary or operating companies' accounts would be dealt with in the usual way of joint stock companies.

In the appendix will be found a memorandum submitted to the War Cabinet on the prohibition of the transfer of mining properties.

16th April, 1917.

#### APPENDIX.

THE FOLLOWING IS A COPY OF A MEMORANDUM SUBMITTED TO THE WAR OFFICE ON 3RD APRIL, 1917.

#### *Control of Metal Supplies.*

THE experience of the Ministry of Munitions fully confirms the statements made in the memorandum by the Minister of Blockade, and is in agreement with the recommendations of the Interdepartmental Committee.

It is clearly of the utmost importance (1) that effective steps should be taken as soon as possible to prevent the transfer of mining leases or rights in minerals in the United Kingdom without licence, both during and after the War, in order to prevent their acquisition by foreigners; (2) that similar steps should be taken, so far as the Dominion and other representatives are prepared to agree, with respect to minerals in other parts of the Empire; and (3) though this presents much greater difficulties, that steps should be taken to prevent, so far as may be practicable, the transfer, without a licence, of mining properties in foreign countries owned by British companies or individuals.

In connexion with (1) the Mines Development Department recently established by the Ministry of Munitions, or some similar organization, would have to be continued, and in connexion with (2) an Imperial Mines Bureau would need to be set up in London to collate information from the Mines Departments of all the Dominions and Colonies in the Empire, and to advise on matters of policy.

It is recognized, however, that the foregoing steps cannot be made really effective unless there were established a mining corporation, supported by a metal bank, of sufficient strength to deal with the development of mining properties in an effective manner and to prevent their alienation.

If such a mining corporation were formed it might be possible to call on all British owners of foreign mining rights to make a return of their properties, and to enact that none should be transferred after the War without a licence. Such a licence would no doubt have to be granted in each case, unless the mining corporation were prepared to buy or place the property. The administration of this Act could be taken in hand by the Mines Development Department administering (1).

C. ADDISON.

16th April, 1917.



## XVIII.

## Non-Ferrous Metals Committee.

Memorandum agreed in Committee, 18th April, 1917, regarding the French Proposals.

[See discussion on pages 123 to 131 and 150 to 173.]

THE outbreak of war was followed by the disclosure of German control of the main sources of supply of, and chief channels of distribution for, most of the non-ferrous metals and their ores in the world. Nowhere was the control more complete and effective than in the case of the British Empire.

The cost in blood and treasure resulting from this grievous state of affairs to the Allies is incalculable. If this condition of things, with its immense financial and commercial disadvantages, were either left unaltered or permitted to reappear after peace, it would, in the opinion of this Committee, prove disastrous.

The British Empire and those of her Allies who are deeply interested in this important branch of production and trade have therefore to consider the means for preventing a return of the deplorable pre-war conditions or anything approaching them.

The measures required to give the necessary protection against these evils and which must be provided by any proposals dealing therewith are obvious, and may be briefly stated thus:—

- (1) Complete elimination of enemy interests in the metal trade of the Empire and her Allies.
- (2) Entire replacement of enemy organizations for the finance, transport, marketing, and distribution of metals by British and Allied organizations.
- (3) The creation of close Empire and Allied associations, with large financial resources, in order to provide mutual trade and extend Allied interests in foreign trade.

Opinions are unanimously in favour of No. (1), and your Committee are preparing, and will shortly submit, a separate memorandum thereon containing their definite recommendations.

The proposals made by the French Government deal particularly with Nos. (2) and (3). These proposals the Committee have considered carefully, and recommendations thereon are submitted herewith.

We have formed the following conclusions:—

Any scheme for handling the post-war trade in non-ferrous (non-precious) metals to be successful must provide for each country retaining complete control of its domestic trade. Not only must it ensure freedom for the development of Empire production and inter-Empire trade relations, but it must actually provide means for so doing. It must also be sufficiently wide to provide for the development of British and Allied trade and the means of production, transport, and distribution in other than participating countries.

In view of the vast importance of the trade, not only for defence, but for economic purposes, the scheme must give adequate means of supervision to the State, and must receive such financial and other support from the State as may be necessary.

Those, and the main object of the proposals we have had before us, can be attained, in the opinion of the Committee, by the formation of the following organizations:—

By the British Government, of an Imperial Non-Ferrous Metal Committee.

By the Governments of the Empire and her Allies, of an Inter-Allied Non-Ferrous Metal Committee.

By the trade, of the following affiliated companies:—

- (1) An Imperial Ore and Metal Company.
- (2) Separate similar companies for the Dominions.
- (3) A French company.
- (4) A Belgian company.
- (5) An International company, formed by the other companies.

NOTE.—There is no objection to Nos. (3) and (4) being associated in a single Franco-Belgian company, if such be considered more desirable by the Governments or trade of those two countries.

*An Imperial Non-Ferrous Metal Committee.*

In order to secure the greatest efficiency the number of the committee should be kept as small as possible, and, in our opinion, should be nominated by and represent

- (1) The British Government, India, etc.
- (2) The Governments of the Dominions. (Provision should be made to ensure representation being to as large an extent as possible proportionate to the interests involved.)

The committee should have the following functions:—

- (1) To advise generally the British Government as to what legislative or other action may be necessary in Imperial interests.
- (2) To carry out such instructions as may be given by the Governments from time to time.
- (3) To be directly represented on the Imperial Ore and Metal Company. Its representatives to be drawn from His Majesty's Government's nominees on the Imperial Non-Ferrous Metal Committee.
- (4) To give effect to, and provide an organization for, the system of registration and licensing of the sale, purchase, import, and export of ores and metals in accordance with the separate memorandum now being prepared by the Non-Ferrous Metal Committee embodying their recommendations.
- (5) To obtain and issue complete statistics of resources, production, and trade.
- (6) To collect and distribute technical information and assist in research.
- (7) To assist in the development of inter-Empire production of, and trade in, non-ferrous metals.
- (8) To promote and extend inter-Allied association in the non-ferrous metal trade.

In the opinion of the Non-Ferrous Metals Committee such an organization would be invaluable as an adjunct to both the defence and commerce of the Empire, and the Committee consider it essential that in the selection of the members knowledge of the industry should be regarded as a paramount qualification, and also that the members should be paid.

*An Inter-Allied Non-Ferrous Metal Committee.*

As recommended in the Committee's memorandum of 20th November, 1916, the British Empire should be represented by six members, who shall also be representatives of the Imperial Non-Ferrous Metal Committee. Of the remaining members, three should be representative of France, and one of Belgium.

Its functions would be similar to those of the Imperial committee in so far as they may be applicable to inter-Allied trade.

It would also appoint representatives to sit with the board of the International company.

It would generally advise the Governments concerned upon the inter-Allied trade and the best means of promoting its welfare.

The committee to be the means of arranging any agreements between the Governments of the participating countries, and such agreements to be carried out through the agency of the companies.

The committee to collect and issue statistics and promote the interchange of technical and commercial information.

The committee to sit in London, Paris, or Brussels, at its own discretion.

*(1) An Imperial Ore and Metal Company.*

This company to be formed by voluntary association amongst British producing, merchanting, financing, and transporting companies and firms, and of the Dominion companies, engaged in the non-ferrous metal trade.

The Imperial Non-Ferrous Metal Committee to be represented, as hereinbefore mentioned, on the board of the company. Any such representatives of the committee to be specifically empowered to report to the Imperial committee on the conduct of the company's business, and to draw official attention to any agreement or transaction considered to be either against Imperial interests or the interests of the community.



The objects of the company to be to carry on business pertaining to the production, treatment, transport, finance, purchase, sale, and distribution of ores and metals.

The company shall be debarred from entering into any agreement for the restriction of output, or regulation of prices, or control of markets, without the express sanction of the Imperial Committee.

The company to act on behalf of the British Government and its departments in all their transactions for the purchase and/or sale of non-ferrous ores and metals within the Empire or without, and in the distribution of guarantees, bonuses, and the like for the extension of metallurgical or mining industries. The company to undertake this work at a remuneration to be agreed, but to be on specially favourable terms to the Government.

In times of national emergency the company to pass automatically under complete Government control.

The company to act as the sole agent for the Dominions, French, Belgian, and International companies in the United Kingdom, and such other portions of the British Empire as are not included in the operations of any existing Dominion company.

It is difficult at this stage to determine accurately the initial capital requirements of this company. It is obvious they will be extensive, and as monetary weakness spells failure it will be necessary for the Empire to grant a large measure of financial assistance. The advantages to the Empire, both in war and in peace (especially in the period of reconstruction), from the creation of this organization are so great that the Committee feel this suggestion is certain to be readily accepted.

Such capital as may be provided by companies registered in the Dominions must be free from the imposition of double taxation.

Shares in this company to be limited in ownership to natural-born British subjects or firms and companies entirely controlled by natural-born British subjects.

#### (2) *Dominions Companies.*

These, it is suggested, should be formed in the Dominions by the producing, merchanting, and transport firms and companies operating therein, which may elect to participate in the general scheme.

They should provide for Government representation on their boards.

They should be direct subscribers to the Imperial company with representation thereon.

They would act as sole agents of the Imperial, French, Belgian, and International companies in the Dominions, and also in such of their geographical markets as were not included in the operations of any affiliated organization. They in turn would appoint the Imperial, French, and Belgian companies their sole agents in outside markets.

The trade of each Dominion would remain entirely under the control of the Government interested.

The ownership of shares to be restricted to natural-born British subjects or companies or firms entirely owned by natural-born British subjects.

#### (3) and (4) *French and Belgian Companies.*

These companies to be formed in France by French interests, and in Belgium by Belgian interests, on exactly similar lines to the Imperial company.

In each case the Government interested to be represented on the board.

By agreements to be approved by the various Governments, these companies, the Imperial company, and the International company, would act as sole and exclusive agents for one another in their individual spheres of operation.

The trade of each country would remain entirely under the control of the Government interested.

Shareholdings in these companies to be restricted to natural-born French and Belgians, or companies and firms entirely controlled by them.

#### (5) *An International Company.*

This organization to be formed by subscription of capital by the Imperial, Dominions, French, and Belgian companies, with such financial assistance as may be found necessary from the Governments concerned.

In the case of shares being issued to the public, the control of the management to be entirely reserved to the shares held by the companies mentioned.

Provision to be made for close association with the Inter-Allied Non-Ferrous Metal Committee, and representation on the board to be provided by the company.

The company to be registered in London, with branch offices in Paris and Brussels, with local boards.

The capital subscribed by the Dominions, French, and Belgian companies to be freed from the imposition of double taxation or any increase of taxation arising from the domicile of the company being in London.

The business of the company will be to carry on, promote, and extend in all ways, the interests of Great Britain, the Dominions, France, and Belgium, in the non-ferrous metal trade (production, treatment, finance, transport, sale, purchase, and distribution, etc.) of foreign countries.

It will act for its shareholding companies in their extra domestic trade, and they in turn will act for it in their domestic markets.

Its policy will be largely governed by the Inter-Allied Non-Ferrous Metal Committee, and its operations will at all times be open to that body and the Governments concerned by the representation thereof.

It shall be debarred from entering into any agreement for the restriction of output, or regulation of prices, or control of markets, without the approval of the Inter-Allied Non-Ferrous Metal Committee.

Its capital must of necessity be considerable. Its chief competitors will be enormously rich and powerful German groups which have been established in all parts of the world for many years, and which have been operating at great profit throughout the War, especially in neutral countries.

A company to represent adequately Allied interests in Russia, Scandinavia, Italy, Spain, Portugal, South America, China, Japan, and the United States, and to be ready to assist, promote, or establish sound undertakings in those countries as well as attend to transport, sale, purchase, and distribution, must obviously in time require a very extensive capital.

It is considered the initial share capital should not be less than £5,000,000, of which £3,000,000 should be subscribed thus:—

£2,000,000 by the British companies.

£1,000,000 by French and Belgian companies.

Initial requirements would probably be met by this amount with the knowledge that probably at no very distant date far larger sums are certain to be required.

The ownership of any shares issued to the public to be limited to natural-born subjects of Allied countries entirely free from any association or connexion with enemy-born individuals or enemy controlled firms or companies.

#### *Conclusion.*

After full consideration the Committee unanimously recommend the adoption of a scheme on the basis outlined in the foregoing.

The Committee's proposals, if adopted, will entirely eliminate all enemy-born interests (whether naturalized or not) in the non-ferrous metals trade within the Empire, in Allied countries, and in Allied trade in neutral countries.

The scheme proposed will replace these enemy interests with organizations under British and Allied control only, and provide means for the extension of British and Allied interests in foreign countries where enemy organizations have been, and still are, actively engaged in extending the interests and influence of Germany.

It will provide supervision of the industry by the State. *Its success depends upon the co-operation of leading producing and merchanting interests in the United Kingdom, the firm adherence of the Dominions, and the approval and co-operation of corresponding interests in France and Belgium.*

If these be secured, and the approval and full support of the various Governments be obtained, we are of the opinion that success is certain.

If no action be taken, or if action be too long delayed, we are equally certain that the trade will promptly drift back into its pre-War state, which would be nothing short of disastrous to the Empire and her Allies.

On behalf of the Committee,

GERARD A. MUNTZ.

18th April, 1917.



## XIX.

Letter from the Director-General of the National War Museum.

[See pages 158-159 of [Cd. 8566].]

## XX.

Emigration from India to the Self-Governing Dominions.

Memorandum by the India Office.

[See pages 159-162 of [Cd. 8566].]

## XXI.

Reply from His Majesty the King to the Address from the Imperial War Conference.

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Co 886/7/13



Dominions

No. 63.

CONFIDENTIAL.

FURTHER CORRESPONDENCE

[1916—1917]

RELATING TO THE

TREATMENT OF ASIATICS IN  
THE DOMINIONS.

*(In continuation of Dominions No. 55.)*



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[NOTE: The correspondence is arranged in sections.]

## UNION OF SOUTH AFRICA.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1916</b>					
1	India Office...	—	January 25	Encloses copy of a telegram from the Government of India calling attention to allegations that Mr. Cousins, Transvaal Immigration Officer, is refusing to recognize certificates of relationship brought by minors or Peace Preservation permits bearing thumb-prints of persons to whom they were issued.	1
2	To the Governor-General	Confidential	January 29	Communicates purport of No. 1, and asks that Ministers will enable Mr. Bonar Law to reply.	1
3	The Governor-General	32	January 12 (Rec. Feb. 3.)	Transmits copy of telegram from the British Indian League expressing alarm at the unnecessary agitation of the British Indian Association, and requesting that any representations made by it may be ignored.	2
4	Ditto ...	37	January 13 (Rec. Feb. 3.)	Transmits copy of a letter from the Hamidia Islamic Society enclosing a resolution passed at a mass meeting on 9th January protesting against the agitation of the British Indian Association.	2
5	Ditto ...	56	January 20 (Rec. Feb. 16.)	Transmits copy of letter from the British Indian League protesting against the gratuitous interference of Mr. H. S. L. Polak in Indian affairs.	4
6	India Office...	—	March 3	Encloses copy of a telegram from the Government of India communicating a telegram from the British Indian Association at Johannesburg protesting against the harsh and unsympathetic administration of the Immigration Law, and of the reply informing the Government of India that the British Indian Association is repudiated by the British Indian League and promising inquiry; asks for observations.	4
7	To the Governor-General	Confidential 2	March 9	Asks to be informed how far the British Indian Association, the British Indian League, and the Hamidia Islamic Society can respectively claim to be representative of Indian feeling in the Transvaal; asks for observations of Ministers on the question whether the admission of wives and minor children of Indian residents is impeded by formalities not really required for purposes of identification or for ensuring compliance with the conditions of the settlement of 1914.	6

## Union of South Africa—continued.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1916</b>					
8	The Governor-General	Confidential 2	February 25 (Rec. Mar. 20.)	Transmits minute from Ministers on the subject of the ports at which persons of certain classes may enter the Union.	6
9	Ditto ...	Confidential	April 14 (Rec. May 6.)	Transmits copy of minute from Ministers in reply to No. 2.	7
10	Ditto ...	974	August 28 (Rec. Sept. 23.)	Transmits copy of correspondence with H. Mahomed and Ministers relative to Mahomed's complaints of grievances inflicted on the Moham-medan community.	9
11	Ditto ...	Confidential 4	September 23 (Rec. Oct. 16.)	Transmits copy of a minute from Ministers asking that representations may be made to the Governor-General of Mozambique to prevent illicit immigration of Asiatics through Lourenço Marques, and of a letter from His Majesty's Consul at that port with whom he had communicated; asks whether representations may be made, and, if so, whether by himself or by His Majesty's Government.	14
12	Ditto ...	Confidential 5	September 23 (Rec. Oct. 16.)	Reports, in reply to No. 7, that Ministers advise that it is not possible to indicate how far the three Associations can claim to be representative of Indian feeling, and that no unnecessary formalities impede the admission of wives and minors.	18
13	Ditto ...	1061	September 27 (Rec. Oct. 27.)	Transmits copy of minute from Ministers regarding the arrangements for the supply of documentary evidence to be produced by, or in respect of, wives and minor children of Indians who possess the right of admission to the Union but who left the Union on a visit to India prior to the adoption of the system recently instituted.	19
14	To India Office ...	—	November 2	Transmits copy of No. 12.	20
15	Ditto ...	—	November 18	Transmits copy of No. 13.	20
16	Foreign Office ...	—	November 25	Transmits copy of a memorandum from the Japanese Embassy regarding the desire of certain Japanese to carry on business in South Africa; and asks what answer should be returned.	20
17	To India Office ...	—	November 28	Transmits copy of No. 11; asks whether Mr. Chamberlain sees any objection to the Governor-General endeavouring to arrange some further measure of co-operation with the Portuguese authorities.	21
18	To the Governor-General	1388	December 7	Transmits copy of the enclosure in No. 16.	21



## Union of South Africa—continued.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1916</b>					
19	India Office ...	—	December 7	Expresses appreciation of the readiness of the Union Government to extend the arrangements recently instituted to meet the case of wives and minor children of British Indians referred to in the enclosure in No. 13, copy of which has been sent to the Government of India for their consideration.	22
20	To the Governor-General	1420	December 18	Transmits copy of No. 19.	22
21	India Office ...	—	December 30	Observes, in reply to No. 17, that Mr. Chamberlain is consulting the Government of India, and would prefer to reserve his judgment; asks why it is considered that Lourenço Marques could be reopened as a port of entry; questions the defensibility of arrangements existing at Beira.	22
<b>1917</b>					
22	Ditto ...	—	January 16	Transmits a copy of telegram from the Government of India accepting readily the suggestions of the Union Government on the question of documentary evidence to be produced in connexion with admission into South Africa of Indian wives and children.	23
23	To the Governor-General	Confidential	January 19	Requests him to inform Ministers that the Government of India is being consulted on No. 11; presumes that it is open to an Indian who is provided with the necessary documents to travel direct from Southern Rhodesia to the Transvaal by rail without proceeding via Beira.	23
24	To the High Commissioner	Southern Rhodesia Confidential	January 19	Observes that the arrangement made with the Portuguese authorities at Beira as to the entry of Asiatics does not appear to have been brought to the notice of the Secretary of State at the time; the India Office has requested that all arrangements of the kind may be communicated promptly.	24
25	To India Office ...	—	January 20	Explains, in reply to No. 21, the meaning of the reference in No. 17 to the possibility of reopening Lourenço Marques as a port of entry; transmits copies of Nos. 23 and 24.	24
26	To the Governor-General	Telegram	January 22	States that the Indian Government accept suggestions in No. 13 and will issue necessary instructions.	24
27	India Office ...	—	January 22	States that Mr. Chamberlain does not desire to raise any objections to some further measure of co-operation between the Union Government and the Portuguese authorities provided that such measures are not directed against Indians or Asiatics by name.	25

## Union of South Africa—continued.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1917</b>					
28	To Foreign Office ...	—	January 27	Transmits copy of No. 11; proposes to inform the Governor-General that there is no objection to his endeavouring to arrange for further co-operation with the Portuguese authorities provided any measures taken are not directed against Indians or Asiatics by name.	25
29	Foreign Office ...	—	February 2	Concurs in proposal to inform the Governor as in No. 28.	25
30	To the Governor-General	Confidential	February 6	Requests him to inform Ministers that His Majesty's Government see no objection to the Governor-General endeavouring to arrange for further co-operation with the Portuguese authorities to prevent illicit entry of Asiatics into the Union provided that any measures taken are not directed against Indians or Asiatics by name.	26
31	India Office ...	—	February 22	Transmits copy of resolution of Indian Government describing the procedure to be followed in the production of documentary evidence by wives and minor children of Indians, on a visit to India, in support of their claims to admission into South Africa.	26
32	To the Governor-General	100	February 28	Transmits copy of No. 31.	27
33	India Office ...	—	April 13	Transmits copy of letter from the Indian Government assuming that it will be sufficient if the most accurate information obtainable as to the ages of wives and minor children is given, and agreeing to proposed communication between immigration officers in South Africa and certain officials in India.	27
34	To the Governor-General	180	April 14	Transmits copy of letter from Indian Government relative to the supply of maps for the use of the Union Government in connexion with the admission of wives and minor children of Indians.	28
35	The Governor-General	181	March 20 (Rec. April 23.)	Transmits a copy of a minute from Ministers asking, before replying to the enclosure in No. 16, for information as to the practice in other Dominions, and states that the Governor-Generals of Canada and Australia and the Governor of New Zealand are being asked for the required information.	29
36	To the Governor-General	193	April 23	Conveys substance of enclosure in No. 33.	30
37	The High Commissioner	Southern Rhodesia Confidential	May 23 (Rec. June 25.)	Transmits copies of correspondence with Resident Commissioner as to arrangements made between the Southern Rhodesian Administration and the Portuguese authorities regarding the entry of Asiatics through Beira.	30



## Union of South Africa—continued.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1917</b>					
38	The Governor-General	Confidential	May 25 (Rec. June 25)	Reports that a Congress of Indian Communities in the Cape Provinces has been held. Refers to Mr. Merri-man's opening speech counselling moderation, and to resolutions passed regarding grievances. Mentions also that anxiety was expressed over report that Bill is contemplated to deprive Indians of municipal franchise.	34
39	India Office...	—	June 29	Transmits copy of telegram from Indian Government on the question of Indian rights in Natal. Trusts that Union Government will agree to give Indian Government opportunity of considering provisions of contemplated Bill.	35
40	The Governor-General	Telegram	(Rec. July 2.)	Submits, in reply to No. 18, proposals of Ministers with regard to the entry of Japanese subjects into the Union.	35
41	To the Governor-General	Telegram	July 5	Asks, as regards the second point in No. 40, what is the present practice regarding temporary permits for British Indians, and states that there would be objections to giving more favourable terms to Japanese.	36
42	To India Office	—	July 11	Forwards, with observations, copy of No. 39; proposes to await receipt of the report referred to before considering the matter further.	36
43	The Governor-General	506	June 26 (Rec. Aug. 2.)	Forwards copy of a letter from the Chairman of the Newcastle Indian Ratepayers' Association covering resolutions passed at a meeting of the Association relative to the draft Local Government Ordinance (Natal), and requesting that resolutions 5 and 6 be submitted to the King; sends also copy of minute from Ministers conveying their views thereon.	37
44	Ditto ...	526	June 30 (Rec. Aug. 2.)	Submits, with remarks, minute embodying decision of Ministers regarding admission of Japanese into the Union. The Japanese Consul considers the proposal a liberal one.	37
45	Foreign Office	—	August 2	Considers that the moment is unpropitious to begin negotiations with the Japanese Government as to the admission of Japanese into the Union of South Africa on the proposal indicated in No. 40.	39
46	The Governor-General	Telegram	(Rec. Aug. 4.)	States, in reply to No. 41, conditions on which selected Indians are admitted annually to Transvaal, Cape, and Natal Provinces. The treatment is better than that proposed for Japanese.	39
47	To the Governor-General	Confidential	August 9	Conveys purport of No. 45, and states that, unless his Ministers desire it, the matter will not be pursued at present.	39

## Union of South Africa—continued.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1917</b>					
48	India Office ...	Confidential	August 28	Acknowledges action taken to secure that British Indian immigrants to South Africa shall not be less favourably treated than Japanese.	40
49	The Governor-General	Confidential	August 16 (Rec. Sept. 25.)	Transmits copy of a letter to Governor-General of Portuguese East Africa requesting that stronger measures may be adopted to prevent the illicit immigration of Asiatics into the Union through Lourenço Marques.	40
50	Ditto ...	Confidential	August 22 (Rec. Sept. 25.)	Encloses minute from Ministers stating that Indians lawfully resident in both Southern Rhodesia and the Transvaal are allowed to travel from one to the other direct by rail provided they possess the necessary documents.	41

## CANADA.

<b>1916</b>					
51	The Governor-General	467	July 31 (Rec. Aug. 14.)	Forwards copy of letter from Department of External Affairs giving particulars of regulations adopted by the College of Physicians and Surgeons of British Columbia with a view to the application of Part II. of the Medical Act, 1886, to the Province.	42
52	To Privy Council Office	—	August 18	Transmits copy of No. 51, and asks for observations on the last paragraph of the regulations.	43
53	Privy Council Office	—	August 25	Transmits copy letter from General Medical Council recommending that the regulations of the British Columbia College of Physicians and Surgeons should be amended so as to prevent the ruling out of other Provinces of the Dominions; considers that Provincial College should be invited to amend the regulations accordingly.	43
54	To India Office and Foreign Office	—	September 5	Transmits, with remarks, copies of Nos. 52 and 53, and requests observations on the provision contained in the last paragraph of the regulations of British Columbia, so far as it affects persons registered in the United Kingdom, in respect of diplomas granted by an Indian or a Japanese licensing authority.	45
55	India Office ...	—	October 20	Deprecates the extension of Part II. of the Medical Act of 1886 to British Columbia on the conditions proposed by the British Columbia College of Physicians and Surgeons, and asks that the College may be requested not to insist on the proviso as to an Indian qualification.	45



## Canada—continued.

Serial No.	From or to whom.	Despatch No., &c.	Date.	Subject.	Page.
<b>1916</b>					
56	Foreign Office ...	—	November 4	Observes, in reply to No. 54, that Lord Grey would be glad if some expedient could be adopted which, while carrying out the intention of the Province of British Columbia, would not offend the susceptibilities of the Japanese Government.	46
57	To the Governor-General	1394	November 20	Transmits, in reply to No. 51, copies of Nos. 53 and 55; trusts that the representations of Lord Grey and the Secretary of State for India will receive careful consideration.	47
58	Privy Council Office	—	December 8	Transmits copy of letter from General Medical Council enclosing one from the College of Physicians and Surgeons of British Columbia, which, in the opinion of the Council, puts a further obstacle in the way of the application of Part II. of the Medical Act, 1886.	47
59	To the Governor-General	1426	December 18	Transmits copy of No. 58, and asks whether it is to be inferred that the regulations forwarded in No. 51 are suspended and the matter deferred until after the War.	48
<b>1917</b>					
60	The Governor-General	179	March 10 (Rec. March 26.)	Quotes report from the Provincial Secretary of British Columbia expressing the opinion that there is no necessity to proceed further at this time with the enactment of hard and fast regulations which might be a detriment to those practitioners from British Columbia who have gone to the front.	49

## AUSTRALIA.

<b>1916</b>					
61	The Governor ...	Queensland Telegram	(Rec. Jan. 10.)	States that Ministers advise no discrimination is made between Indian and other Asiatic cultivators of sugar, and that there is no intention of applying to the detriment of Indian cultivators, as compared with Japanese, clause 12 (d) of recent Act, and provisions of Act No. 4, 1913, are being strictly observed.	49
62	India Office ...	Queensland	January 15	Transmits copy of telegram from the Government of India relative to the Sugar-Cane Prices Act, Queensland; inquires whether the expected report has been received from the Governor; and expresses confidence that Mr. Bonar Law will agree that it would be unjust and impolitic to differentiate against British subjects in favour of aliens, and trusts this view can be impressed on Queensland Government.	50

## Australia—continued.

<b>1916</b>					
63	The Governor ...	Queensland 4	February 3 (Rec. Mar. 20.)	Transmits, with observations, copy of Premier's minute stating that no discrimination is being made between cultivators of sugar who are natives of India and other Asiatics; explains recent sugar legislation.	50
64	Ditto ...	Queensland Confidential	February 3 (Rec. Mar. 20.)	States that he has had a long discussion with his Premier as to the position of Indian cultivators in the sugar industry, and submits further observations.	52
65	To India Office ...	Queensland	April 7	Transmits copies of Nos. 63 and 64; proposes, subject to the reservations indicated, to signify non-disallowance of "The Regulation of Sugar-Cane Prices Act, 1915."	53
66	India Office...	Queensland	May 9	States that Mr. Chamberlain will raise no objection to proposal in No. 65 on understanding stated, and that he would be glad if advantage could be taken of visit of Premier to this country to press claim of Indians concerned in sugar industry to equitable treatment.	54
67	To the Governor ...	Queensland 36	June 7	States, with reference to No. 63, that His Majesty will not be advised to exercise his power of disallowance with respect to "The Regulation of Sugar-Cane Prices Act of 1915"; understands that there is no intention to apply the provisions of clause 12 (d) of the Act to the detriment of Indians as compared with Japanese; and that Ministers are fully alive to advisability of administering the Act in such a way as to safeguard interests of existing Indian cultivators.	54
68	To India Office ...	Queensland	June 7	States, with reference to No. 66, that the Secretary of State has been assured by the Premier of Queensland that there is no intention on the part of the Queensland Government to treat Indians less well than Japanese, or to work the Act unfairly to Indian interests.	54



## FURTHER CORRESPONDENCE

[1916-1917]

RELATING TO THE

## TREATMENT OF ASIATICS IN THE DOMINIONS.

[NOTE.—The correspondence is arranged in sections.]

### UNION OF SOUTH AFRICA.

3940

No. 1

INDIA OFFICE to COLONIAL OFFICE.

(Received 26th January, 1916.)

[Answered by L.F. transmitting copy of Nos. 2 and 9.]

SIR, India Office, Whitehall, London, S.W., 25th January, 1916.  
WITH reference to recent correspondence on Indian immigration into South Africa, I am directed by Mr. Secretary Chamberlain to transmit, for the consideration of Mr. Secretary Bonar Law, the enclosed copy of a telegram received from the Government of India. Mr. Chamberlain would be obliged if inquiry could be made.

I have, &c.,

M. C. SETON,

Secretary, Judicial and Public Department.

Enclosure in No. 1.

TELEGRAM FROM VICEROY (C. AND I. DEPARTMENT), DATED 21ST JANUARY, 1916.

512 C. CORRESPONDENCE ending with your public despatch No. 31, dated 12th February, 1915, in particular paragraph 3 of our despatch No. 36, 28th May, 1914, admission of wives and children of resident Indians to South African Union. Our attention has been drawn to an article in *Indian Opinion* of 10th December, alleging that minors bringing with them certificates of relationship granted by magistrates in India in accordance with procedure accepted by Union Government are detained by Mr. Cousins, Transvaal Immigration Officer, indefinitely at port of arrival, and that, instead of being admitted to Transvaal on strength of these certificates only permitted to enter that Province upon depositing bail.

Article further alleges that Peace Preservation Ordinance permits, bearing thumb-prints of persons to whom they were issued, are not accepted by him as entitling holders to registration under Section 4 of Act 36 of 1908 without inquiry into the circumstances of their issue.

We shall be glad to know what facts are in regard to both allegations.

3940

No. 2.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office, 1st February, 1916. L.F.]

[Answered by No. 9.]

(Confidential.)

MY LORD,

Downing Street, 29th January, 1916.

I HAVE the honour to request Your Excellency to inform Ministers that the attention of the Indian Government has been drawn to the editorial article which appeared on page 263 of *Indian Opinion* of the 10th ultimo, alleging that minors



bringing with them certificates of relationship granted by magistrates in India, in accordance with the procedure accepted by your Government, are detained indefinitely at the port of arrival, and, instead of being admitted to the Transvaal on the strength of these certificates, are only permitted to enter that Province upon depositing bail. The article further alleges that Peace Preservation Ordinance permits, bearing thumb prints of persons to whom they were issued, are not accepted as entitling holders to registration under Section 4 of Act 36 of 1908, without inquiry into the circumstances of their issue.

2. The Indian Government have asked to be informed what the facts are in regard to these statements, and I should be glad if your Ministers would enable me to reply.

I have, &c.,  
A. BONAR LAW.

5492

No. 3.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd February, 1916.)

[Copy to India Office, 9th February, 1916. L.F.]

[Answered by No. 7.]

(No. 32.)

SIR, Governor-General's Office, Pretoria, 12th January, 1916.  
I HAVE the honour to transmit to you herewith copy of a telegram from the British Indian League, on the subject of the activities of the British Indian Association.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 3.

FROM H. MOTAN, JOINT SECRETARY, BRITISH INDIAN LEAGUE, JOHANNESBURG, to  
HIS EXCELLENCY THE GOVERNOR-GENERAL, PRETORIA.

TELEGRAM.

10TH JANUARY, 1916. Resolution that this League views with positive alarm the unconstitutional actions, by creating unnecessary agitation, of the so-called British Indian Association, whose policy is dictated by Mr. Polak, and respectfully requests the Government to ignore any representations made by it on behalf of the Indian community, and that copies of this resolution be forwarded to Minister of the Interior and His Excellency the Governor-General.

5497

No. 4.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 3rd February, 1916.)

[Copy to India Office, 9th February, 1916. L.F.]

[Answered by No. 7.]

(No. 37.)

SIR, Governor General's Office, Pretoria, 13th January, 1916.  
I HAVE the honour to transmit to you herewith, with reference to my despatch No. 32, of the 12th January,\* copy of a letter from the Chairman, Hamidia Islamic Society, on the subject of resolutions passed at a meeting held under the auspices of the Hamidia Islamic Society at Johannesburg on the 9th January.

I have, &c.,  
BUXTON,  
Governor-General.

\* No. 3.

Enclosure in No. 4.

His Excellency the Governor-General,  
Union of South Africa,  
Pretoria.

Hamidia Islamic Society, P.O. Box 2670,  
Hamidia Hall, Krause and 17th Streets,  
Vrededorp, Johannesburg, 12th January, 1916.

SIR,

I HAVE the honour to convey the resolutions arrived at at a mass meeting held under the auspices of the Hamidia Islamic Society on the 9th instant, as per cutting from the *Rand Daily Mail* of the 10th instant enclosed herewith.

I have, &c.,  
ESSAP ISMAIL MIA,  
Chairman.

EXTRACTS FROM "RAND DAILY MAIL," 10TH JANUARY, 1916.

INDIANS AND THEIR GRIEVANCES: TWO MASS MEETINGS.

CRITICISM OF THE IMMIGRATION DEPARTMENT.

A well-attended meeting of the Transvaal British Indian Association was held in the Gaiety Theatre yesterday afternoon, under the chairmanship of Mr. A. M. Cachalia, to protest in regard to certain grievances of the Indian community. The Chairman said that among the grievances which were awaiting redress was that of the prohibition of the ownership by Indians of fixed property outside of locations or bazaars, under Law 3 of 1885. Dealing with the nominations for exemptions under the agreement with regard to educated persons, he said that the Government list of such persons only contained the names of two persons on the list of the British Indian Association, which represented the vast majority of Indians in the Transvaal, and all sections, including Mohammedans. The name of every prominent passive resister had, he asserted, deliberately been struck out. The question of fraudulent immigration was next dealt with, and the Association's efforts to check it were explained. With regard to the claim of minors for admission to South Africa, the speaker took exception to the arrangements made respecting their admission, and also to those in connexion with the immigration of wives. He contended that the photographic method of identification was useless in practice and abhorrent from the religious point of view. The demand for photographs of Indian women he characterized as positively objectionable. A further grievance was the Minister's refusal to exercise the discretion vested in him to exempt the children of lawfully resident Indians by wives legally divorced.

The following elections were confirmed:—Chairman of the Transvaal Indian Association, Mr. A. M. Cachalia; Vice-Chairmen, Messrs. Amod Moosajae, V. A. Chittian, and N. A. Cama; Joint Treasurers, Messrs. M. S. Coovadia and Ahmed Saleh Mia; Honorary Secretary, Mr. H. S. L. Polak; Assistant Honorary Secretary, Mr. M. G. Patel.

The following resolution was passed unanimously:—"This public meeting of Transvaal Indians, while reiterating its desire to co-operate as closely as possible with the Government, nevertheless deems it its duty, in the best interests of the country, and with a view to giving the fullest effect to the spirit of the 1914 settlement, to protest strongly against the disabilities created by the present method of administration of the immigration and registration laws, and especially against the demands now being made for photographic methods of identification in certain cases, as being contrary to the understanding with the Indian community in 1902 and opposed to the religious susceptibilities of the great majority of Indians resident in this Province."

It was further resolved that the Minister of the Interior be asked to receive a deputation from the Committee of the Association, and that the Chairman be authorized to send a copy of the resolution passed and a copy of the Chairman's address to the Governor-General, the Prime Minister, and the Minister of the Interior.

PROTEST AGAINST AGITATION: INDIANS DO NOT AGREE.

A mass meeting of British Indians was held yesterday under the auspices of the Hamidia Islamic Society in the Hamidia Hall, Vrededorp, to protest against the agitation of the British Indian Association. There was a large attendance.

Mr. Hajee Essop Ismail Mia, the Chairman, contended that it was of transcendental importance to exercise great restraint at the present critical hour in the history of the British Empire. As law-abiding, and, above all, loyal, subjects of the King-Emperor, they must, he said, do nothing which would in the least degree add to the present difficulties of the Government. If they had grievances there would be a time for them, but to raise any agitation now would, in his opinion, amount to downright disloyalty.

A resolution was moved assuring the Government that the mass of Indian opinion was against the attitude of the British Indian Association. A second motion was: "That this meeting take this opportunity to manifest its loyalty and devotion to the King-Emperor and the Empire." Both resolutions were carried unanimously.



7464

No. 5.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th February, 1916.)

[Copy to India Office, 22nd February, 1916. L.F.]

[Answered by No. 7.]

(No. 56.)

SIR, Governor-General's Office, Pretoria, 20th January, 1916.  
I HAVE the honour to transmit to you herewith, with reference to my despatch No. 32, of the 12th January,\* copy of a letter from the British Indian League on the subject of the activities of the British Indian Association.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure 1 in No. 5.

His Excellency the Governor-General,  
Union of South Africa,  
Pretoria.

SIR, The British Indian League, No. 2, Kerk Street,  
Johannesburg, 17th January, 1916.

THE resolution telegraphed to you by my League on the 10th instant was prompted by the unconstitutional, unpatriotic, and almost violent attitude taken up by a few irresponsible Indians led by Mr. H. S. L. Polak, who, without the authority or desire of the majority of the Indians of this Province, constantly forces himself upon the attention of the Government as their leader. The community has taken strong exception to the gratuitous interference of this European in their affairs in circumstances which is nothing but an open insult. My League regrets to observe that the policy of the party mentioned above has been, oftener than not, dictated by their financial exigencies, and not in the interest of the Indian community.

Law 3/85 has been on the statute book for the last thirty-one years: it is the bedrock upon which all subsequent Asiatic laws are founded; no attempt has ever been made by Mr. Polak and his followers to agitate for its repeal during times of peace, and that such an attempt should now be made appears extremely suspicious.

My League painfully recognizes that the immigration and the Asiatic laws of this Province are unparalleled in the legislative enactments of any foreign civilized Governments in the world in respect of their own subjects, and that those laws are not carried out in the sympathetic manner as promised.

Therefore my League respectfully submits that the interest of the Indians of this Province can be better served by Indians themselves by approaching the Government in a constitutional manner.

I have, &c.,  
H. MOTAN,  
Honorary Joint Secretary.

10569

No. 6.

INDIA OFFICE to COLONIAL OFFICE.

(Received 4th March, 1916.)

[Answered by No. 14.]

(Confidential.)

SIR, India Office, Whitehall, London, S.W., 3rd March, 1916.  
WITH reference to recent correspondence on the position of Indians in South Africa, I am directed by Mr. Secretary Chamberlain to transmit, for the consideration of Mr. Secretary Bonar Law, a copy of a telegram received from the Government of India, and of the provisional reply that he has returned.

\* No. 3.

Mr. Chamberlain will be glad to be favoured with any remarks that Mr. Bonar Law may desire to make on the points raised in the correspondence. The reference to "sons of divorced wives" is no doubt intended to apply to the case of the youth Ahmed, on which the Union Government have already expressed their views. But it is important to ascertain how far the three societies whose resolutions were communicated to this Office in the correspondence ending with your letter of the 22nd February,\* No. 7464, can respectively claim to be representative of Indian feeling in the Transvaal. If Mr. Bonar Law sees no objection, inquiry might, it is suggested, be made on this point, as well as on the question whether the admission of wives and minor children of Indian residents is impeded by any formalities not really required for purposes of identification or for ensuring compliance with the conditions of the 1914 settlement.

I have, &c.,  
M. C. SETON.

Enclosure 1 in No. 6.

FROM VICEROY, COMMERCE AND INDUSTRY DEPARTMENT, 25TH FEBRUARY, 1916.

P.—FOLLOWING telegram from the British Indian Association at Johannesburg to the recent Indian National Congress, held at Bombay, has been brought to our notice:—

"The British Indian Association greets Congress. Please inform the delegates that the Union Government gradually reverting to hostile spirit of administration of immigration laws, especially under the harsh unsympathetic treatment of the new Principal Immigration Officer. Last May the Government invited the co-operation of the Association to assist in removing ? s attached to the Immigration Officer and Administration which was willingly given. No official acknowledgment was accorded. Government are now avoiding the recognized representatives of the community, using against it the intrigues of persons having previously betrayed (? it). Every obstacle is used to prevent the immigration of wives and minor children except under humiliating conditions unacceptable to self-respecting (? community). Photographs are now demanded which always opposed by the community, and otherwise efforts are used to bring the community under rigorous, intolerable, official yoke. Government are refusing admission to, or are expelling, sons of divorced wives, or stepsons of residents on technical pretexts, Minister declining to exercise statutory discretion of permitting their residence. The community is becoming increasingly exasperated. (? Deliberately) refrained from embarrassing Government from a sense of loyalty, but it is impossible to continue present situation. Holding public meeting of protest."

We shall be glad if full information of the facts concerning the alleged grievances can be furnished to us, so as to be in a position to decide whether representations by us would be justified or to refute adverse criticism in India of the action of the Union Government if these grievances should be found to be unreal, or the result of circumstances the responsibility for which rests mainly with the Indian community.

Enclosure 2 in No. 6.

TELEGRAM FROM SECRETARY OF STATE to VICEROY, COMMERCE AND INDUSTRY DEPARTMENT, DATED 28TH FEBRUARY, 1916.

P.—WITH reference to your telegram of 25th instant, regarding Indians in South Africa. I will make a reference to the Colonial Office, but you should note that the British Indian League at Johannesburg repudiate the attitude of the British Indian Association there as "the unconstitutional, unpatriotic, and almost violent attitude taken up by a few irresponsible Indians led by Mr. Polak, who, without the authority or the desire of the majority of the Transvaal Indians, forces himself constantly on the attention of Government as their leader." The local Hamidia Islamic Society also repudiates. Full papers were sent by mails of 17th and 24th February. As to the repute or representative character of either Society I have no information. But I have seen no ground for doubting that the South African Government are carrying out the agreement in good faith, even though of particular cases I may sometimes take a different view.

\* L.F. transmitting copy of No. 5.



10569

No. 7.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office, 10th March, 1916. L.F.]

[Answered by No. 12.]

(Confidential (2).)

MY LORD,

Downing Street, 9th March, 1916.

WITH reference to Your Excellency's despatches, No. 32 of the 12th January, No. 37 of the 13th January, and No. 56 of the 20th January,\* forwarding resolutions passed by certain Indian societies in South Africa, I have the honour to request you to inform your Ministers that I should be glad to learn, for the information of the Secretary of State for India, how far the three societies in question, viz., the British Indian Association, the British Indian League, and the Hamidia Islamic Society can respectively claim to be representative of Indian feeling in the Transvaal.

2. I should be glad also to receive the observations of your Ministers on the question whether the admission of wives and minor children of Indian residents is impeded by formalities not really required for purposes of identification or for ensuring compliance with the conditions of the 1914 settlement. In this connexion I may refer to my Confidential despatch of the 29th January.†

I have, &amp;c.,

A. BONAR LAW.

13408

No. 8.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 20th March, 1916.)

[Copy to India Office, 27th March, 1916. L.F.]

(Confidential (2).)

SIR,

Governor-General's Office, Cape Town, 25th February, 1916.

I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential, of the 15th October,‡ copies of a minute No. 99, from Ministers, and of Notice No. 108, on the subject of the control of Indian immigration into the Union of South Africa.

I have, &c.,  
BUXTON,

Governor-General.

Enclosure 1 in No. 8.

(144/31167.)

Prime Minister's Office, Pretoria,  
22nd January, 1916.

MINUTE 99.

WITH reference to His Excellency the Governor-General's minute No. 15/801 (Confidential), of 24th November, 1915, on the subject of the control of the entry of Asiatics into the Union, Ministers have the honour to state that the legal advisers are of opinion that the order must apply without exception to all Asiatics, and that it should read as follows:—

"I, ..... Minister of the Interior, do hereby, in terms of Sub-section (4) of Section 4 of the Immigrants Regulation Act, No. 22 of 1913, declare that persons belonging to classes described in paragraph (a) of Sub-section (1) of Section 4 of the aforesaid Act, when permitted to enter or return to the Union or any Province, shall enter or return at the ports of Cape Town, Durban, East London, or Port Elizabeth, and not at any other port";

\* Nos. 3, 4, and 5.

† No. 2.

‡ No. 77 in African No. 1033.

and it will be seen from this that the notice will not refer to Indians or Asiatics *eo nomine* but "to persons belonging to classes described in paragraph (a) of Sub-section (1) of Section 4 of the Immigrants Regulation Act."

Ministers would add that the object of the notice is to aim a blow at the traffic in illicit immigration now being conducted at Lourenco Marques, and to make Indians and other Asiatics not in possession of documentary evidence to prove their right of entry present themselves for examination by Immigration Officers at Durban, East London, Port Elizabeth, and Cape Town. Instructions will, however, be issued to all Immigration Officers that Indians or other Asiatics possessing registration certificates, certificates of identity, visiting permits (and, in the case of wives and minors, duly completed forms D.I. 91), or other specific documentary authority from a Principal Immigration Officer or the Union Government Agent at Lourenco Marques, must be permitted, as heretofore, to enter the Union through any port of entry. In addition, instructions will be given that Indians leaving the Union for Portuguese East Africa by land must be permitted to return by the same route.

Ministers would further state that this matter will be carefully controlled and that every possible effort will be made to meet the reasonable requirements of the Indian community.

LOUIS BOTHA.

Enclosure 2 in No. 8.

GOVERNMENT GAZETTE, 28TH JANUARY, 1916.

(No. 108.)

17th January, 1916.

I, THOMAS WATT, Minister of the Interior, do hereby, in terms of Sub-section (4) of Section 4 of the Immigrants Regulation Act, No. 22 of 1913, declare that persons belonging to classes described in paragraph (a) of Sub-section (1) of Section 4 of the aforesaid Act, when permitted to enter or return to the Union or any Province, shall enter or return at the ports of Cape Town, Durban, East London, or Port Elizabeth, and not at any other port. (147/31167.)

T. WATT,  
Minister of the Interior.

21559

No. 9.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 6th May, 1916.)

[Copy to India Office, 11th May, 1916. L.F.]

(Confidential.)

SIR,

Governor-General's Office, Cape Town, 14th April, 1916.

I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential, of the 29th January,\* copy of a minute from Ministers on the subject of certain allegations made in editorial article of *Indian Opinion* of 10th December.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 9

(Confidential.)

Prime Minister's Office, Cape Town, 20th March, 1916.

MINUTE 383.

WITH reference to His Excellency the Governor-General's Confidential minute No. 15/818, dated 19th February, 1916, transmitting despatch from the Secretary of State for the Colonies on the subject of an extract from *Indian*

\* No. 2.



*Opinion* regarding the method of dealing with minors holding certificates of relationship, and alleging that Peace Preservation Ordinance permits are not accepted as entitling holders to registration under Section 4 of Act 36 of 1908 without inquiry into the circumstances of issue, Ministers have the honour to state that every effort of the Immigration Department and of the Board of Appeal, under Union Act No. 22 of 1913, is directed to the encouragement of the use of the form D.I. 91, which is actually accepted, even where the case is very far from being free from suspicion. In ordinary cases the completed document makes it possible for the Immigration Office to facilitate and expedite the entry of the holder without requiring that deposit which would otherwise be necessary.

There have, however, been a few cases where the certificate produced so plainly contradicted the record of the Immigration Department that the document had to be challenged.

The two most serious of these cases, indeed, the only ones it is believed, in which the Department has finally refused to be bound, are the following, the circumstances of which speak for themselves:—

(a) *Dayal Gosai*: Notwithstanding that warning had been given that this was a case of fraud, upon the production of the completed form D.I. 91 it was immediately honoured by the Immigration Department to the extent of authorizing the entry of the holder without requiring a deposit. The facts before the Department were as follows:—

In 1904, the man who claimed this boy as his son declared that he had no wife and no family. In 1908 he declared he had no son. In 1915, when applying for the form No. D.I. 91, he declared that he had a son of the age of eleven years. The boy who arrived was 15 years old, and was so declared in the magistrate's certificate.

(b) *Goolam Rasool*: In this case the D.I. 91 form put in was completed in India, and gave the actual date of the boy's birth in India. On this date, and for a considerable period both before and after such date, both the reputed parents of the boy, according to the clear and unmistakable declaration of the "father," were actually in South Africa. As the said "father" was not before the certifying magistrate in India that official may well have been misled as to the identity of a man in a distant country; and the case has proved to the Department, as similar cases are constantly proving, the absolute necessity, where the parent is not able to proceed to India, of supplying the Indian magistrate with material for identifying him, the simplest course being the provision of a photograph.

Ministers would add that they appreciate the extremely valuable assistance being given by the officials in India in respect of these certificates; but would point out that in certain of the native States, particularly Navsari (Baroda), the form is replaced by other certificates of an unsatisfactory nature. Inasmuch as these are not on the prescribed form, and are not even in equivalent terms, the holders who produce them with confidence are misled; and endless trouble is given to all parties. They would be glad if steps to obviate this difficulty could be taken.

Ministers further desire to say that, in two recent cases of magistrates' certificates, inquiry in India showed in the one case that the magistrate's signature to the certificate had been forged; and in another case that the entry in the birth register had been falsified, so that the individual producing the certificate here in 1915 as 15 years of age, and so certified, was found actually to have been born nineteen years before.

Ministers have the honour to add, in regard to the second allegation quoted from *Indian Opinion*, that, in cases where the thumb prints are doubtful, inquiries have to be made which entail delay, but imperative instructions have been issued that where the thumb prints of the applicant are identical with those on the documents in possession of the Department there must be no inquiry.

LOUIS BOTHA.

45649

No. 10.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 23rd September, 1916.)

[Copy to India Office, 4th October, 1916. L.F.]

(No. 974.)

SIR, Governor-General's Office, Pretoria, 28th August, 1916.  
I HAVE the honour to transmit to you herewith correspondence on the subject of the treatment of the Mohammedan community in South Africa.

I have, &amp;c.,

BUXTON,  
Governor-General.

Enclosure 1 in No. 10.

To His Excellency

Viscount Buxton, P.C., G.C.M.G., etc.,  
Governor-General of the  
Union of South Africa.

No. 1, Deane Street, Pietermaritzburg,

MAY IT PLEASE YOUR EXCELLENCY, Natal, 27th March, 1916.

ON your recent tour through this Province, when Your Excellency visited the Mohammedan mosque in Grey Street, Durban, you were graciously pleased to take note of certain grievances of the Mohammedan community resident in South Africa.

With a view to bringing these grievances to the notice of Parliament and obtaining redress, I humbly beg to approach Your Excellency with this petition.

2. The points which I humbly beg to bring to Your Excellency's notice are:—

- (a) Amendment of Licensing Law, 1897, for general dealers.
- (b) Immigration, as affecting the rights and customs of Mohammedan women.
- (c) Mohammedan marriage law, as affecting the heirs and children born from more than one wife.
- (d) Reserved compartments on trains of the South African Railways for Indian women.

3. In regard to the Licensing Law of 1897, I would respectfully urge that under present conditions too much power is vested in the Licensing Officer for Natal; in fact, his power is autocratic, and he can, if he so wishes, reject any application without inquiring thoroughly into the merits of the case. For the past seventeen years the Indian community has suffered under this tyranny, and applicants have frequently been put to needless expense by having to appeal to a higher tribunal from the arbitrary rulings of the Licensing Officer.

To remove this difficulty I would humbly suggest that a Licensing Board be constituted in Natal, comprising two Europeans, one Mohammedan, one Hindu, and one coloured member. The duty of this Board would be to inquire thoroughly into each application as regards fitness of applicant, financial position, suitability of premises, etc. It very often happens that the Licensing Officer is not in a position to know particulars which are of vital importance to the applicant, and after a superficial inquiry, through objections raised through trade jealousies, the application is refused. This Licensing Board, if appointed as humbly recommended, would be in a better position to ascertain the details and the merits of each case, and it would be the duty of the Licensing Officer to act on the recommendation of this Licensing Board. By this procedure a check would be placed on the autocratic power at present wielded by the Licensing Officer for Natal.

4. In regard to immigration as affecting the rights and customs of Mohammedan women, I would humbly urge that the existing laws are too harsh, and that Mohammedan women thereby suffer indignities from which they should be exempted, not only by a just and humane law, but by religious scruples and the dictates of conscience. In India the rights and customs of Mohammedan women are strictly observed, and are inviolable, and I most respectfully submit that the Union Government should take this into consideration and amend the immigration law in regard



to photographs and personal inspection of women. This difficulty could be met by the abrogation of the powers vested at present in the Immigration Officers in the Union of South Africa, and by the appointment of a lady inspector at Bombay, whose duty it would be to see intending Mohammedan women immigrants and to inquire into and certify their *bona fides*. I humbly urge upon Your Excellency the necessity of legislation in this matter, as it concerns the honour, integrity, virtue, and religious scruples of the women referred to.

5. The next point which I humbly beg to bring to Your Excellency's notice is the Mohammedan Marriage Law of 1915, by which the offspring of the Mohammedan women other than those of the first wives are debarred from inheriting legacies and property. According to Mohammedan law all the wives and offspring of a husband have rights.

A book on Mohammedan law and the rights, usages, and customs of Mohammedans can be obtained from India for the guidance and instruction of magistrates throughout the Union of South Africa. The Mohammedan community would feel deeply grateful to Your Excellency if, through your influence and the powers vested in you as the representative of His Majesty the King-Emperor, the Mohammedan marriage law could be amended to satisfy the just claims of Mohammedan women and children according to their laws.

6. The fourth and last point which needs redress is the hardships which Mohammedan women have to undergo when travelling on the South African railways. By custom and tradition Mohammedan women are termed "Purdasheens," which means that they are not supposed to be seen in public. In pursuance of this custom, the Indian Government maintain reserved compartments for Indian females on all the Indian railways. To satisfy the scruples and customs of the Mohammedan community resident in South Africa, and to fulfil the rights and privileges which were guaranteed to British-Indian subjects under the proclamation of the late Queen Victoria of beloved memory, I humbly beg that Your Excellency will introduce some reform on the South African railways to meet the requirements of His Majesty's Mohammedan subjects here in South Africa.

Finally, I beg to appeal to Your Excellency's goodness, and pray that the grievances of the Mohammedan community herein set forth may receive Your Excellency's recommendation to Parliament. By so doing Your Excellency will earn the everlasting gratitude of your Mohammedan subjects and Your Excellency's name will live in the memory of the British Indians resident in South Africa, even as that of Lord Hardinge, Viceroy and Governor-General of India, for justice, humanity, and integrity, and for this act of kindness your humble petitioner will, as in duty bound, ever pray.

I beg, &c.,  
H. MAHOMED.

Enclosure 2 in No. 10.

(No. 15/813.)

SIR, Governor-General's Office, Cape Town, 25th April, 1916.  
I AM directed by the Governor-General to acknowledge the receipt of your petition of the 27th March, and to say that His Excellency has referred it to his Ministers for consideration.

I am, etc.,

P. HORSFALL,

Mr. H. Mahomed,  
No. 1, Deane Street,  
Pietermaritzburg,  
Natal.

Acting-Secretary to the Governor-General.

Enclosure 3 in No. 10.

Governor-General's Office, Cape Town, 25th April, 1916.

MINUTE No. 15/813.

THE Governor-General transmits to Ministers the accompanying copy of a petition which he has received from H. Mahomed regarding the treatment of the Mohammedan community in South Africa.

The Governor-General would be glad if Ministers could inform him of the position in regard to the various points raised in the petition.

BUXTON,  
Governor-General.

Enclosure 4 in No. 10.

To His Excellency Viscount Buxton, P.C., etc.,  
Governor-General and High Commissioner  
of the Union of South Africa.

No. 1, Deane Street,

Pietermaritzburg, 17th June, 1916.

MAY IT PLEASE YOUR EXCELLENCY,

SINCE the occasion on which your humble petitioner last appealed to Your Excellency and the gracious action taken by you in bringing certain grievances of the Mohammedan community to the notice of the Union Government, for which the Mohammedan community tender their grateful thanks, your petitioner begs to state that he has been notified only in respect of one of the grievances under appeal to Your Excellency, viz., facilities in regard to reserved accommodation for Indian women travelling on the South African railways; and this matter is due for consultation on 1st July.

2. In regard to the other two grievances, viz.,

(a) Trade licences.

(b) Mohammedan marriage laws, as affecting the status of Mohammedan women and their offspring:

your petitioner humbly begs to state that no amelioration of these two grievances seems to be under contemplation, and that the Union Government is apparently unwilling to recognize the validity of Mohammedan marriages according to their own law, or to recognize the legitimacy of offspring born from any wife other than the first.

3. In proof whereof your petitioner begs to enclose a cutting from the *Natal Witness*, of the 14th instant, which contains a brief report of a case which came before the Supreme Court of this Province, being an appeal from the Licensing Board of Pietermaritzburg.

This case discloses the gross abuse of the powers vested in the Licensing Officer and the arbitrary manner in which "injustice" is meted out to His Majesty's Indian subjects. The report discloses the fact that

- (1) an application for licence was refused because applicant, Veeramah, a poor Indian woman with children to support, was an Asiatic;
- (2) the Licensing Officer differentiated between British Indians and other British subjects;
- (3) that the Licensing Officer engaged counsel for his own defence, contrary to law;
- (4) that he took no evidence, and disregarded the memorial in favour of the woman;
- (5) that he was not entitled to limit the number of trading licences;
- (6) that there is no statutory authority allowing him to appeal and argue;
- (7) that he was a party to his own appeal.

The woman in question was too poor to engage counsel, and was helped by friends, otherwise she would have suffered under a gross miscarriage of justice.

The Court has no power to interfere in applications for a new licence or for a transfer.

This case is quoted as a typical case of the disregard of Licensing Officers for the rights and privileges which British Indians are entitled to under the proclamation of the late Queen Victoria of revered memory.

4. In bringing this unfortunate "incident" to Your Excellency's notice, your humble petitioner begs to state that the Indian community are alarmed; and, under the circumstances, they cannot be expected to have any confidence in the discretionary powers vested in the Licensing Officer, who seems to vent his spleen on British Indians because they are Asiatics. The Indian community have patiently suffered untold hardships and monetary expense for the past fifteen years in appealing against the arbitrary decisions of Licensing Officers in this Province, and have also been subjected to gross indignity under the immigration laws, but as yet the Union Government has not arrived at any satisfactory solution to the grievances complained of.

5. The Mohammedan community beg to assure Your Excellency that they are not agitating for political rights in regard to the franchise, nor do they desire to embarrass the Union Government in any way; their only desire is to be allowed equal rights as regards trading licences, just treatment by the Licensing Board, due regard to the marriage laws sanctioned by their religion and upheld by the Government of



India, and the protection of the Imperial Government in guaranteeing the rights and privileges to which they are justly entitled. And for the fulfilment and maintenance of these rights and privileges they have nobody else to appeal to or protect them except Your Excellency's self, as the representative of the King-Emperor in this part of His Majesty's world-wide dominions.

6. In regard to the Mohammedan marriage laws, the Mohammedan community beg to assure you that their marriages are conducted under the sacred instruction of the Koran. If, through misfortune or other defect, the first wife is barren, or for other reasons specified in the sacred Koran the marriage is not productive of conjugal felicity or the happiness of home life, a man is permitted by the Koran to marry again. In this connexion the Mohammedan community would humbly urge that

- (a) a marriage register be kept at each Musjid in every town or city in the Union, where Mohammedan marriages may be duly registered according to their rites and customs;
- (b) the entry for each marriage be duly countersigned in the Musjid register by the Resident Magistrate;
- (c) the fee for such registry be paid to the Registrar of the Province, as in the case of European marriages;
- (d) a duplicate copy of each registry to be forwarded to the Registrar, duly signed by the maulvi (priest) and the contracting parties, or their representatives;
- (e) each marriage under Mohammedan rites is to be recognized as legal and binding in all the law courts of the Union of South Africa, and full rights are to be guaranteed to the wives and offspring of such marriages in respect of inheritance of property or any other assets.

7. If, through Your Excellency's gracious influence and intervention, these suggestions are accepted by the Union Government and duly notified in the Government *Gazettes* of the Provinces of the Union; and, likewise, if the other grievances referred to in a previous communication are removed for ever, thus bringing to an end the harassment and the needless and unjust litigation which His Majesty's Indian subjects have borne for so many years, your humble petitioner, in common with the whole of the Mohammedan community in South Africa, as well as in India, will feel that they owe Your Excellency an eternal debt of gratitude. Your Excellency's name and kindness will live in their memory, and heart-felt thanks to Almighty God that he has granted them abiding relief through Your Excellency's righteousness and just administration as the representative of the Crown.

Assuring Your Excellency of their loyalty and esteem,  
Your petitioner begs to remain, &c.,

H. MAHOMED.

#### EXTRACT FROM "NATAL WITNESS," 14TH JUNE, 1916.

##### USE OF PUBLIC FUNDS: LICENSING OFFICER'S COUNSEL: AUTHORIZED BY TOWN COUNCIL.

AN important and interesting point was raised by Mr. Advocate Janion yesterday, before the Supreme Court, in bringing in appeal the decision of the Licensing Board, Maritzburg, who upheld the decision of the Licensing Officer (Mr. Stride), in refusing a hawker's licence to an Indian woman, Veeramah. When the matter came before the Board the Licensing Officer was represented by counsel, and objection was taken by Mr. Janion. It was ascertained that the Council had previously, by resolution, authorized the Licensing Officer to retain counsel to appear in support of his decisions when brought in appeal before the Council.

Mr. Justice Carter: Who pays counsel's fees?

Mr. Janion: I understand the Town Council, my lord.

Mr. Janion contended that, under the rules, the Licensing Officer may only appear personally. He may make a statement, if requested by the Appeal Board, and he may ask questions of the applicant or objector.

The Judge President: Could not the Licensing Officer retain counsel to appear and do what he (the Licensing Officer) may do under the rules?

Mr. Janion: No, my lord. I submit the rules mean that he should appear personally. The Licensing Officer is a Court, and he cannot appear to appeal against his own decision or to support his decision.

The other grounds advanced on appeal were:—

- (1) The Licensing Officer took no evidence, and disregarded the memorial in favour of the application, and did not give due consideration to the application on its merits, and refused to exercise in a just and proper manner the discretion given to him under Section 1 of Act 18 of 1897. (*Vide Sharp v. Wakefield*, 21 Q.B.D., page 66 at 6, 80; *Goga v. Ladysmith Licensing Board*, N.L.R.)

(2) The Licensing Officer was not entitled to limit the number of trading licences. (*Vide Kumalo v. Ladysmith Licensing Board*, 34 N.L.R., 543.)

(3) No notice was given to the applicant of an objection based on the fact that there was a sufficient number of licences within the borough. (*Vide Ravoohee v. Durban Corporation*, 33 N.L.R., page 361.)

(4) The respondent Board wrongly heard counsel in support of the Licensing Officer's decision. (*Vide Licensing Rules*.)

(5) The appellant had not had a fair and real hearing of her case.

Mr. Janion argued that the Licensing Officer did not exercise his discretion in a proper manner. He took upon himself legislative power by limiting the number of licences he would issue, and the legislature only gave him a discretionary power to deal with each application on its merits. He had also, in his reasons, appeared to have refused the application because the applicant was an Asiatic.

In giving judgment, the Judge President, *inter alia*, remarked that it was necessary that the matter should be referred back to the Licensing Officer, the more so because the reason subsequently given by him, viz., that there was a sufficient number of Asiatic licences already granted, which showed that he was differentiating between Asiatics and others. That was, in effect, refusing to exercise the discretion granted him by law, which must be exercised in all cases, and not only in regard to any particular class of the community.

The Licensing Officer, without notifying the appellant of such objection, had refused her application, because, in his opinion, there was already a sufficient number of hawkers' licences in Maritzburg. The applicant should have had an opportunity of leading evidence to rebut this opinion, and she might have been able to show that the number was insufficient for the needs of the residents in the city.

There was a further feature in this case, in that the Town Council, sitting as an Appeal Board, appeared to have promoted the Licensing Officer as a party in his own appeal. The Licensing Officer was a Court, and it was unheard of that a Court should be placed in the position of a party unless there is a statutory authority for it. Here there was no statutory authority allowing him to appear and argue, and, further, he was apparently invited to appear, and was authorized to retain counsel.

The proceedings were quashed, and the matter referred back to the Licensing Officer to be heard *de novo*.

Carter and Hathorn, J.J., concurred.

Enclosure 5 in No. 10.

(No. 15/833.)

SIR,

King's House, Durban, 2nd August, 1916.

I AM directed by the Governor-General to acknowledge the receipt of your petition, dated the 17th June, and to inform you that His Excellency has referred it to his Ministers.

I am, &c.,

P. HORSFALL,

Acting Secretary to the Governor-General.

Mr. H. Mahomed,  
No. 1, Deane Street,  
Pietermaritzburg.

Enclosure 6 in No. 10.

SIR,

Governor-General's Office, Pretoria, 2nd August, 1916.

MINUTE No. 15/833.

THE Governor-General transmits to Ministers, with reference to his minute No. 15/813, of the 25th April, the accompanying copy of a further petition from H. Mahomed regarding the treatment of the Mohammedan community in South Africa.

As indicated in his minute under reference, the Governor-General would be glad to receive the remarks of Ministers upon the points raised in this correspondence.

He would also be glad if a suitable reply could be sent to the petitioner.

BUXTON,

Governor-General.

Enclosure 7 in No. 10.

(11/A/591.)

Prime Minister's Office, Pretoria, 15th August, 1916.

MINUTE 1177.

With reference to His Excellency the Governor-General's minute No. 15/813, dated 25th April, 1916, transmitting copy of a petition received from H. Mahomed regarding the treatment of the Mohammedan community in South Africa, Ministers have the honour to state as follows in regard to the several points raised:—



*Amendment of Licensing Law, 1897, for General Dealers.*—From returns obtained from Natal municipalities and townships in respect of trading licences issued by their officers, it would appear that in urban areas 2,170 licences have been issued to Europeans, 1,371 to Asiatics, and 49 to natives, and that, in respect of the rural areas, 671 are to Europeans, 758 (or 87 more) to Asiatics, and 32 to natives.

The Licensing Officer for Natal is only concerned with the issue of trading licences in rural areas, and from the foregoing figures it will appear obvious that the Asiatics receive very fair treatment at his hands and that the grievance voiced by Mr. H. Mahomed is not well founded.

*Immigration, as affecting the Rights and Customs of Mohammedan Women.*—It is considered by Ministers that the suggested employment of a lady inspector stationed at Bombay would be of little value, and impracticable, and that the number of cases is not at present sufficiently large to justify the appointment of such an inspector, who would require to be a qualified linguist to avoid the employment of an interpreter. Ministers would add that the susceptibilities of Mohammedan people as regards their women folk is fully respected by Immigration Officers, and no trouble need be experienced in regard to the introduction to the Union of bona fide cases.

*Mohammedan Marriage Law, as affecting the Heirs and Children born from more than one Wife.*—By Section 1 (2) and Section 2 (1) of Act 22 of 1914, the celebration and validation of monogamous marriages between Indians is provided for, "and all the incidents shall follow therefrom which follow from any other union recognized in law as a valid and binding marriage." This would include the law of inheritance of the Union.

Ministers are unable to agree to the proposal that the Mohammedan law of inheritance, applying to all marriages and all offspring, should be made law in the Union for the Mohammedan community.

*Reserved Compartments on Trains of the South African Railways for Indian Women.*—Ministers have the honour to state that, as a result of an interview between the railway administration and Mr. Mahomed, station-masters and ticket examiners in the Natal Province have been instructed to arrange for a compartment to be set aside, according to the class of ticket held, for four or more Mohammedan women travelling together, the compartment to be reserved for their exclusive accommodation, and that, whenever possible, notice of the intention to travel will be given to the station-masters at depot stations, particularly Durban, Maritzburg, and Ladysmith.

Definite instructions, in terms of the foregoing, have been issued to the railway staff in the Natal Province, emphasis being laid on the necessity for ensuring every attention being paid to the requirements of Mohammedan women when travelling by rail, and Ministers would add that Mr. Mahomed expressed himself as being perfectly satisfied with the arrangement made, and is of opinion that the effect will be to minimize any inconvenience which may hitherto have been experienced by Mohammedan women in the matter of travelling accommodation.

HENRY BURTON.

49402

No. 11.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th October, 1916.)

[Answered by Nos. 23 and 24.]

(Confidential (4).)

SIR, Governor-General's Office, Cape Town, 23rd September, 1916.

I HAVE the honour to transmit to you the accompanying copy of a minute from my Ministers covering a report regarding immigration matters at Beira, and requesting me to make "similar representations" to the Governor-General of the Province of Mozambique with a view to preventing the illicit immigration of Asiatics through the port of Lourenço Marques.

2. I did not think that it would be advisable for me to follow the course suggested by Ministers without ascertaining the views of His Majesty's Government, but before approaching you on the subject I requested His Majesty's Consul-General at Lourenço Marques to inform me as to the present position in regard to

the control of Indians passing through or residing at that place. At the same time I acquainted him of the substance of Ministers' minute No. 99, of the 22nd January (see my despatch Confidential (2) of the 25th February).\*

3. I now enclose a copy of a letter (with enclosures) received from Mr. MacDonell.

4. I should be glad to be informed whether His Majesty's Government see any objection to representations being made to the Portuguese authorities on this subject, and, if not, whether they will proceed in the matter through the usual diplomatic channels or whether I should initiate correspondence with the local Portuguese authorities.

I have, &c.,

BUXTON.

Governor-General.

Enclosure 1 in No. 11.

(No. 141/31167.)

Prime Minister's Office, Pretoria, 15th January, 1916.

MINUTE No. 65.

MINISTERS have the honour to transmit herewith, for the information of His Excellency the Governor-General, copy of a report by the Chief Immigration Officer, Bulawayo, in regard to immigration matters at Beira, and to request that His Excellency will be good enough to make similar representations to His Excellency the Governor-General of the Province of Mozambique, with a view to preventing the illicit immigration of Asiatics through the port of Lourenço Marques.

In this connexion Ministers would invite His Excellency's attention to their minute No. 652, dated 1st June, 1915, and to His Excellency's Confidential minute No. 15/801, dated 24th November, 1915, and add that it is intended to issue an order under Section 4 (4) of the Immigrants Regulation Act, No. 22 of 1913, permitting the entry or return to the Union of persons belonging to classes described in paragraph (a) of Section 4 (1), at the ports of Cape Town, Durban, East London, and Port Elizabeth only.

T. WATT.

(Strictly confidential.)

(4.0.15.)

Immigration Department, British South Africa Police,  
Bulawayo, 16th December, 1915.

Re Asiatic Immigrations.

SIR,

REFERRING to your letters 21/E/21904, of the 18th and 29th ultimo, respectively, and my reply of the 23rd ultimo, *re* the above, I have the honour to inform you that I have recently visited Beira and have consulted with the Portuguese authorities on this question.

As the result of my visit, I am able to inform you that the Portuguese authorities are now advising me of the disembarkation of Asiatics desirous of entering Rhodesia, from whom a deposit is taken and retained until admission to Rhodesia is approved.

Asiatics attempting to disembark at Beira with the intention of passing through to the Union States are required to make a deposit, in addition to which they are warned that Rhodesia is not the route and instructed to proceed to the Union port of entry, and, if prohibited, immigrants to Rhodesia are not allowed to enter this territory.

In the case of those proceeding to the Bechuanaland Protectorate, they are only admitted upon proof of domicile being produced.

In this connexion I may state that an Asiatic accompanied by a minor was recently prohibited from entering Rhodesia, at Umtali, with the object of returning to the Transvaal, and lodged an appeal which was dismissed, and I have every reason to believe that the result has been the subject of considerable comment and will act as a deterrent to Asiatics attempting to pass through Rhodesia.

The measures referred to which are being adopted by the Portuguese authorities are temporary, and I am reliably informed that in the course of a few weeks



regulations dealing with Asiatics in general will become effective and will generally provide for the following:—

- (1) The registration of all Asiatics entering or resident in the Mozambique Company's territories by means of the finger print system and photographically; such registration to be repeated periodically.
- (2) The issue of permits in accordance with regulations to Asiatics who are allowed to disembark at Beira, from whom a deposit will be required if proceeding through the territory to a destination beyond.
- (3) The issue of permits in accordance with regulations to Asiatics leaving the territory.

With the enforcement of these regulations I do not anticipate that any great difficulties will be encountered in the future in respect of illicit Asiatic immigration, which will chiefly be confined to those prohibited immigrants now resident in Portuguese territory who will in due course be able to produce these credentials, and who, if registered and have not such documents in their possession, will be detected as such by the finger print system on reference to their finger prints being made to Beira.

I would add that, with reference to the adoption of the finger print system by the Portuguese authorities, as I have previously stated, a finger print bureau was established at Beira a few months ago, but, owing to changes in staff, etc., another official is now in Bulawayo undergoing a course of instruction with a view to extending the operations of the system in the Mozambique Company's territories.

I trust that the measures which are now being taken, together with the co-operation of the Portuguese authorities, will enable us to suppress illicit Asiatic immigration to a greater extent than heretofore. As you are probably not aware, I might also add that an Immigration Ordinance, practically identical with our Ordinance 7 of 1914, has also become effective in Northern Rhodesia.

I have, &c.,

Chief Immigration Officer and Superintendent  
Criminal Investigation Department, British South  
Africa Police.

The Principal Immigration Officer,  
Immigration Department,  
Pretoria.

Enclosure 2 in No. 11.

(Confidential.)

His Britannic Majesty's Consulate-General,  
Lourenço Marques, 9th May, 1916.

YOUR EXCELLENCY,

I HAVE the honour to acknowledge the receipt of Your Excellency's despatch No. 15/812, on the 15th April, covering Ministers' minute No. 65, 15th January, in regard to Asiatic immigration through the ports of Beira and Lourenço Marques.

I now beg to submit copy of a Confidential despatch I addressed to the Secretary of the Interior under date of the 3rd of November, 1915, which I trust will explain the somewhat difficult position I am placed in with regard to Asiatic immigration questions.

On receipt of Your Excellency's despatch, I requested Mr. Long, the Union officer in charge of immigration at Lourenço Marques, to kindly furnish me with a memorandum regarding the conditions prevailing at this port (enclosure No. 2).

I beg to submit that, from information which reaches me from time to time, I am convinced that the greater portion of clandestine immigrants reaching the Union of South Africa do so from this port. Owing to the fact that they are well supplied with funds, and, under the local law, are allowed to reside twenty days on taking out a temporary permit, they have ample time to make arrangements to enter the Transvaal surreptitiously with the assistance of certain local Indians and others who make a profession and a good income by smuggling undesirables into the Union.

It is reported that such undesirables proceed to some station on the Portuguese line and await an opportunity to pass, either via Swaziland or the Sabie on foot, and subsequently rejoin the railway in the Transvaal at some small station. It is also

stated, but of this I have no confirmation, that a certain number of such immigrants are smuggled over the frontier by the railway with the cognizance of those in charge of the train.

The persons suspected of carrying on this illicit trade are Ranjee Kalidas and Amod Saccoor, Indians, and Falcao and Manuel Abréu, Portuguese. All of these are reported to have confederates on the local railway and in the Union.

In conclusion, I beg to express the opinion that the local authorities endeavour to control the Asiatic immigration to the best of their ability, and frequently afford great assistance to the local Union officials, but the regulations in force here are inadequate and are of a nature that lend themselves to abuse. I feel confident in stating that, until such time as the Provincial Government bring in regulations of a more drastic nature or such as would co-ordinate more with the Ordinances of the Union, Lourenço Marques will continue to be the centre of clandestine immigration to the Union of South Africa.

I have, &c.,

ERROL MACDONELL.

His Excellency the Governor-General  
of the Union of South Africa.

ERROL MACDONELL, Esq., HIS BRITANNIC MAJESTY'S CONSUL-GENERAL,  
LOURENÇO MARQUES, to THE SECRETARY FOR THE INTERIOR, PRETORIA.  
(Confidential. No. 1775/15/1953.)

His Britannic Majesty's Consulate-General,

Lourenço Marques, 3rd November, 1915.

SIR,

I BEG to acknowledge the receipt of your telegram No. 12080, which came to hand on the 31st ultimo. I at once telephoned to Mr. Long and advised him of contents.

During the past four years I have frequently discussed matters in connexion with immigration together with Mr. Long, and he has fully concurred with me that it is in the interests of the Union Government and the Imperial Government that my office should avoid interference, as much as possible, in questions such as the one referred to in your telegram under consideration. The principal reason for the mutual agreement between Mr. Long and myself is that the local immigration laws do not provide for prohibition to the landing of Asiatics as long as they conform to the provisions of the said laws. The only prohibition to deportees from the Union landing here is when it is proved that they have been guilty of some criminal offence within the Union. Under these circumstances any British Indian subject would be justified in applying to me for protection if he was forcibly prohibited from landing, having fully conformed to the local law—a situation which might very easily cause friction, not only between the Union Immigration Officer, the Portuguese authorities, and my office, but might also give rise to questions involving the Imperial, the Union, and the Indian Governments.

Mr. Long informs me that he has reported fully on these matters to the immigration authorities of the Union, and also that he obtains considerable support from the local authorities, who unofficially assist him in endeavouring to prevent the landing of Union deportees.

I have submitted the foregoing to Mr. Long, who concurs with the above.

It is needless to state that I am always prepared to afford Mr. Long, or any Department of the Union Government, my utmost assistance; the attitude I have adopted in regard to questions of Asiatic immigration is the outcome of lengthy and careful discussions with Mr. Long, at which we have agreed mutually and in harmony what was the best course to pursue in the interests of both Governments.

I trust it will not be considered presumptuous of me to make a suggestion in regard to matters connected with immigration to the Union, matters which are in no way connected with my consular duties. I would suggest that the Union Government should prohibit all immigration of Asiatics by land, and recognize only Union ports as ports of entry for immigrants. This would have the immediate effect of putting an end to clandestine immigration, which is very prevalent from this Province.

The above suggestion would require considerable elaboration, but I feel confident it would have far-reaching effects and would not affect Portuguese interests either financially or commercially, with exception of a slight loss on passenger railway traffic.

I have, &c.,

ERROL MACDONELL,

His Britannic Majesty's Consul-General.



A. T. LONG, ESQ., AGENT OF THE UNION OF SOUTH AFRICA, LOURENCO MARQUES, to ERROL MACDONELL, ESQ., HIS BRITANNIC MAJESTY'S CONSUL-GENERAL, LOURENCO MARQUES.

(Confidential.)

Agency of the Union of South Africa, 8th May, 1916.

Memorandum regarding Asiatic Immigration, for the use of His Britannic Majesty's Consul-General, Lourenço Marques.

DISREGARDING all non-essential detail, the Portuguese immigration laws in force locally in respect to Asiatics arriving by sea are as follows:—

The immigrant must be healthy; he must deposit £20 (approximately); must take out a temporary permit to reside in the Province within twenty days of arrival; after twenty days must either leave the Province or take out a permanent *bilhete de residencia*; the latter can be procured on application supported by any European or Asiatic resident "of good means," which is taken as meaning any person earning about £20 per month.

Asiatics cannot legally be prevented from landing at this port unless they are unhealthy, or known criminals, or are unable to make the necessary deposit as above.

No finger-impressions are taken on deposit receipts or on any permit or in the local records, but a photograph is affixed to the permanent *bilhete de residencia*.

It would be most useful if a full set of finger prints was taken in the case of all fresh arrivals.

The Government notice referred to by His Excellency Lord Buxton as having been promulgated in the Union *Gazette* of 28th January refers to Asiatics or other persons who have been declared (as have Asiatics) by the Minister of the Interior to be as a class economically undesirable immigrants to the Union.

Asiatics who intend to enter the Union legally via Lourenço Marques are not entirely deterred by the notice referred to, because they are still able to land here under the Portuguese regulations and to acquire permanent domicile without trouble, after which they can make their plans for entering the Union at leisure.

The Portuguese local regulations do not assist the Union to any extent.

The Portuguese law does not provide for the punishment of those who assist illicit immigration into the Union from this territory; there are known local organizations which make a practice of introducing prohibited persons into the Union, often via Swaziland.

The Union law does not provide any even moderately severe penalty on conviction of an illicit immigrant of the class now referred to.

A. T. LONG,

Agent of the Union of South Africa.

49403

No. 12.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 16th October, 1916.)

(Confidential (5).)

SIR, Governor-General's Office, Pretoria, 23rd September, 1916.

WITH reference to your despatch Confidential (2), of the 9th March,\* on the subject of resolutions passed by certain Indian societies in South Africa, I am advised by my Ministers that it is not possible to indicate how far the British Indian Association, the British Indian League, and the Hamidia Islamic Society can claim to be representative of Indian feeling in the Transvaal, as neither of these associations has any written constitution or possesses any nominal roll of members, or has any rules governing membership.

2. Ministers add that no unnecessary formalities impede the admission into the Union of wives and minor children of Indian residents; on the contrary, every facility is given.

I have, &c.,

BUXTON,

Governor-General.

51385

No. 13.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 27th October, 1916.)

[Answered by Nos. 20, 26, and 34.]

(No. 1061.)

SIR,

Governor-General's Office, Pretoria, 27th September, 1916.

WITH reference to your despatch No. 440, of the 15th June, [1915,]\* I have the honour to transmit, for such action as may be possible, the accompanying copy of a minute from my Ministers regarding the arrangements for the supply of documentary evidence to be produced by, or in respect of, wives and minor children of Indians who possess the right of admission to the Union but who left the Union on a visit to India prior to the adoption of the system recently instituted.

I have, &c.,

BUXTON,

Governor-General.

Enclosure in No. 13.

Prime Minister's Office, Pretoria, 30th August, 1916.

MINUTE 1255.

WITH reference to His Excellency the Governor-General's minute No. 15/782, of the 12th July, 1915, transmitting copy of a despatch from the Right Honourable the Secretary of State for the Colonies (with enclosure) on the subject of the admission into the Union of the wives and minor children of Indians resident here, Ministers have the honour to state that the arrangements for the supply of documentary evidence to be produced by, or in respect of, wives and minor children of such Indians in support of their claim for admission into the Union provide satisfactorily for cases in which the husbands or fathers are actually residing in South Africa, but there is no provision for Indians who possess the right of admission to the Union who left for India on a visit prior to the arrangement coming into force. Such men cannot produce the form (D.I. 91) signed by a Principal Immigration Officer, and Ministers, in accordance with the policy of meeting all reasonable requirements of the Indian community in the Union, would be glad if the Indian Government would inform magistrates that there is no objection to a certificate of relationship being granted in such cases after the usual inquiry. The following limitations should, however, be adhered to:—

- (1) That no such certificate should be given unless the husband or father, as the case may be, is actually before the magistrate. (If the Indian is in the Union he will have no difficulty in obtaining the necessary certificates from a Principal Immigration Officer.)
- (2) That the certificate should be as near as possible to the form prescribed in the resolution and circular letter of the Government of India, No. 8759/8774/24, dated 3rd September, 1914, and should contain the identification marks of the husband or father, as well as of the wife and child, as the case may be, and should be limited, in the case of children, to those under the age of sixteen years at the date of their arrival in the Union. In this connexion it should be noted that it is of importance that not only the age of minor children should be certified but also the month of birth, as there is no means of ascertaining whether the child concerned is still under sixteen upon arrival in the Union.
- (3) That a written notice be given to the applicant that the certificate is only a provisional one, and gives neither the man himself, nor the relation, any claim to enter South Africa.
- (4) That an intimation be sent to the Principal Immigration Officer concerned when such a certificate has been issued. The Principal Immigration Officers are as follows:—(a) when the Asiatic proposes to debark at Lourenço Marques—Principal Immigration Officer, Pretoria; Durban, Principal Immigration Officer, Durban; Cape Town—Principal Immigration Officer, Cape Town.



Ministers would add that it would be of considerable assistance to the Principal Immigration Officers dealing with this matter if some guide as to the political and district divisions, with sub-districts marked, could be furnished, in order that the officers concerned would have no difficulty in ascertaining whom to address once an Indian had intimated the taluka from whence he came. It has been suggested that a large scale map (in sections, if possible), with the various sub-districts clearly marked, distinguishing "British India" and the "Native States," would be the best means of overcoming the difficulty which undoubtedly exists in this connexion. If such a map is available Ministers would appreciate it if three copies could be supplied.

N. J. DE WET.

49403

No. 14.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 2nd November, 1916.

WITH reference to your letter of the 3rd March,\* I am directed by Mr. Secretary Bonar Law to transmit to you, for the information of Mr. Secretary Chamberlain, a copy of a despatch† from the Governor-General of the Union of South Africa respecting the status of certain Indian societies in South Africa and the question of the admission into the Union of the wives and minor children of Indian residents.

I am, &amp;c.,

HENRY LAMBERT.

51385

No. 15.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by Nos. 19 and 22.]

SIR,

Downing Street, 18th November, 1916.

WITH reference to your letter of the 5th June, 1915,‡ and to the letter from this Department of the 2nd instant,§ I am directed by Mr. Secretary Bonar Law to transmit to you, for the consideration of Mr. Secretary Chamberlain, a copy of a despatch|| from the Governor-General of the Union of South Africa respecting the arrangements for the admission into the Union of the wives and minor children of Indians.

I am, &amp;c.,

HENRY LAMBERT.

56806

No. 16.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 25th November, 1916.)

[Answered by L.F. on No. 35.]

THE Under-Secretary of State for Foreign Affairs presents his compliments to the Under-Secretary of State for the Colonies, and is directed by the Secretary of State for Foreign Affairs to transmit the accompanying copy of a memorandum which has been received from the Japanese Embassy regarding the desire of certain Japanese to carry on business in South Africa.

The Secretary of State would be glad to be advised what answer should be returned to the Japanese Embassy.

Foreign Office,

25th November, 1916.

\* No. 6. † No. 12. ‡ No. 55 in African No. 1033. § No. 14. || No. 13.

Enclosure in No. 16.

(Communicated to Foreign Office, 20th November, 1916.)

ACCORDING to the report of the Japanese Honorary Consul at Cape Town, two Japanese subjects, of the name of Mr. Baba and of Mr. Nomura, in the employ of Messrs. Mitsui & Company, Tokio, Japan, and Messrs. Masuda & Company, Yokohama, Japan, respectively, landed at the above port on 23rd October last, after having obtained from the Government of Union of South Africa permission to sojourn for six months. Subsequently they sent in applications for licence to carry on business there, but the Union Government refused it by virtue of Article 8 of the Immigration Act No. 22, 1913. The said Consul thereupon took the matter up with them through Civil Commissioner, but failed to achieve the desired end.

It is therefore desired that the British Government would be good enough to exert their good offices to the end that the Union Government might see their way to grant business licences to the Japanese subjects above named, and, in the event of the representatives of Japanese firms of standing visiting South Africa in future, they might grant those Japanese subjects permission to land and carry on business there.

49402

No. 17.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 21.]

SIR,

Downing Street, 28th November, 1916.

WITH reference to the letter from this Department of the 27th March,\* I am directed by Mr. Secretary Bonar Law to transmit to you, to be laid before Mr. Secretary Chamberlain, a copy of a despatch† from the Governor-General of the Union of South Africa regarding the illicit immigration of Asiatics into the Union through the port of Lourenço Marques.

2. It will be seen from the minute of Ministers enclosed in this despatch, which is of earlier date than that which accompanied the despatch of which a copy was enclosed in the letter under reference, that it was not expected that the action reported in the latter despatch would afford a complete solution of the difficulty; and it is clear from Mr. Long's report of the 8th May that the difficulty still remains.

3. Mr. Bonar Law does not propose that the question should be taken up diplomatically with the Portuguese Government, but he would be glad to learn whether Mr. Chamberlain sees any objection to the Governor-General endeavouring to arrange some fuller measure of co-operation with the local Portuguese authorities in dealing with those Indians who are engaged in evading the Union law. I am to point out that if the illicit immigration ceased the Union Government would be relieved of a long-standing embarrassment and Lourenço Marques would be preserved as a means of entry into the Union for British Indians qualified for admission.

I am, &amp;c.,

HENRY LAMBERT.

56806

No. 18.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office, 9th December, 1916. L.F.]

[Answered by Nos. 35 and 40.]

(No. 1388.)

MY LORD,

Downing Street, 7th December, 1916.

I HAVE the honour to transmit to Your Excellency, for the consideration of your Ministers, the accompanying copy of a memorandum‡ which has been received from the Japanese Embassy regarding the desire of certain Japanese subjects to carry on business in South Africa.

I have, &amp;c.,

A. BONAR LAW.

\* L.F. transmitting copy of No. 8.

† No. 11.

‡ Enclosure in No. 16.



58881

No. 19.

## INDIA OFFICE to COLONIAL OFFICE.

(Received 8th December, 1916.)

India Office, Whitehall,  
London, S.W., 7th December, 1916.

SIR,

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of Mr. Lambert's letter of the 18th ultimo,\* on the subject of the documentary evidence to be produced by, or on behalf of, British Indians resident in South Africa prior to the admission of their wives and minor children.

Mr. Secretary Chamberlain appreciates the readiness of the Union Government to extend the arrangements recently instituted so as to meet the case of the wives and minor children of British Indians who left the Union to visit India prior to the adoption of the new system. He has forwarded a copy of Ministers' minute No. 1255, of the 30th August, 1916, to the Government of India for consideration, and has asked for a telegraphic reply. On receipt of it a further communication will be made to you.

I have, &amp;c.,

M. C. SETON.

58881

No. 20.

## THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 1420.)

MY LORD,

Downing Street, 18th December, 1916.

WITH reference to Your Excellency's despatch No. 1061, of the 27th of September,† I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a letter‡ from the India Office on the subject of documentary evidence to be produced by, or on behalf of, British Indians resident in South Africa prior to the admission of their wives and minor children.

I have, &amp;c.,

WALTER H. LONG.

49

No. 21.

## INDIA OFFICE to COLONIAL OFFICE.

(Received 1st January, 1917.)

[Answered by No. 25.]

India Office, Whitehall,  
London, S.W., 30th December, 1916.

SIR,

IN reply to Mr. Lambert's letter of the 28th November last,§ I am directed by Mr. Secretary Chamberlain to state, for the information of Mr. Secretary Long, that he is consulting the Government of India on the question raised, and would prefer to reserve his judgment for the present.

2. While he quite realizes the harmfulness of the clandestine immigration through Portuguese territory, Mr. Chamberlain does not feel sure that, in any event, the Union Government would find themselves able to rely on non-British official machinery for investigating cases; and he would be glad to learn why it is considered that Lourenço Marques could be reopened as a port of entry into the Union.

3. The arrangement made between the Southern Rhodesia Administration and the Portuguese authorities at Beira a year ago appears not to have come to the knowledge of this Department until now, and I am to suggest that it would be of advantage if any developments of this kind could be communicated promptly, in order that the Government of India should be kept in touch with the facts.

\* No. 15.

† No. 13.

‡ No. 19.

§ No. 17.

4. It would appear that a person lawfully resident within the Union, who lands at Beira, is not allowed to pass through Southern Rhodesia unless he has also a right to reside in that territory. In this connexion I am to invite a reference to Sir T. Holderness's letter from the 26th August, 1915.\* No expression of opinion seems to have been received from the Union Government regarding the somewhat similar point then raised. While the practical difficulty of preventing evasion of the immigration laws of the Union by transit over the land frontier is obvious, it is difficult to regard as defensible an arrangement by which an Indian lawfully resident in both territories who wishes to travel from Southern Rhodesia to the Transvaal should be compelled to take a sea voyage via Beira and Durban.

I have, &amp;c.,

M. C. SETON.

3061

No. 22.

## INDIA OFFICE to COLONIAL OFFICE.

(Received 16th January, 1917.)

India Office, Whitehall,

London, S.W., 16th January, 1917.

SIR,

IN continuance of my letter of the 7th ultimo,† and with further reference to Mr. Lambert's letter of the 18th November last,‡ I am directed by Mr. Secretary Chamberlain to transmit, for the information of Mr. Secretary Long, a copy of a telegram from the Government of India on the question of the documentary evidence to be produced in connexion with the admission into South Africa of Indian wives and children. Mr. Chamberlain agrees with the Government of India.

I have, &amp;c.,

M. C. SETON.

Enclosure in No. 22.

FROM VICEROY, COMMERCE AND INDUSTRY DEPARTMENT, 8TH JANUARY, 1917.

P.—REFERENCE your telegram of the 7th ultimo. Admission into South Africa of Indian wives and minor children. Suggestions made by Ministers in their minute of 30th August, 1916, forwarded with your Public Secretary's letter, dated 23rd November, are readily accepted by us. We will issue necessary instructions.

49

No. 23.

## THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office, 20th January, 1917. L.F.]

[Answered by No. 50.]

(Confidential.)

MY LORD,

Downing Street, 19th January, 1917.

I HAVE the honour to acknowledge the receipt of Your Excellency's Confidential despatch No. 4, of the 23rd September last,§ respecting the illicit immigration of Asiatics into the Union through Lourenço Marques, and to request you to inform your Ministers that the Secretary of State for India is consulting the Government of India on the subject.

2. Mr. Chamberlain has again raised the question asked in the third paragraph of the letter from the India Office a copy of which was enclosed in my predecessor's Confidential despatch No. 2, of the 31st August, 1915,|| viz., whether an Indian lawfully resident in both Southern Rhodesia and the Transvaal would be obliged to travel from one to the other by sea via Beira and Durban. I presume, however, in view of the terms of Ministers' minute No. 99, of the 22nd January, 1916,¶ and having regard to the definition of port of entry in Section 30 of the Union Immigration Act, 22 of 1913, that it is open to an Indian who is provided with the necessary documents to travel direct from Southern Rhodesia to the Transvaal by rail.

I have, &amp;c.,

WALTER H. LONG.

\* No. 69 in African No. 1033.

† No. 19.

‡ No. 15.

§ No. 11.

|| No. 70 in African No. 1033.

¶ Enclosure in No. 8.



49

No. 24.

## SOUTHERN RHODESIA.

THE SECRETARY OF STATE to THE HIGH COMMISSIONER.

[Answered by No. 37.]

(Confidential.)

MY LORD,

Downing Street, 19th January, 1917.

WITH reference to your Governor-General despatch Confidential No. 4, of the 23rd September last,\* I have the honour to state that the arrangement made between the Southern Rhodesia Administration and the Portuguese authorities at Beira respecting the entry of Asiatics through that port does not appear to have been brought to my notice at the time. The Secretary of State for India has pointed out that it would be an advantage if any development of this kind could be communicated promptly, in order that the Government of India may be kept in touch with the position.

I have, &amp;c.

WALTER H. LONG.

49

No. 25.

## COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 20th January, 1917.

I AM directed by Mr. Secretary Long to acknowledge the receipt of your letter of the 30th ultimo† on the subject of the illicit immigration of Asiatics into the Union of South Africa through Lourenço Marques.

2. With reference to paragraph 2 of your letter, I am to point out that the words used with regard to Lourenço Marques in the letter from this Office of the 28th November‡ were "preserved as a means of entry," and not "reopened as a port of entry"; the present arrangement being that Asiatics in possession of documents giving them the right to enter the Union may do so by the Lourenço Marques-Komati-poort route. The last paragraph of that letter was intended to convey that unless satisfactory means can be devised of dealing with the illicit immigration of Indians, the Union Government might find it necessary to terminate that arrangement.

3. The minute from Ministers of 22nd January, 1916,§ a copy of which was enclosed in the letter from this Department of the 27th March|| would appear also to indicate that there will be no difficulty in the way of an Indian who is provided with the necessary documents travelling direct from Southern Rhodesia to the Transvaal, since the phrase "port of entry" is defined in Section 30 of the Union Immigration Act as including any place within the Union or near the border at which entry into the Union can be effected. Copies of a despatch¶ which has, however, been addressed to the Governor-General of the Union on this point, and of a despatch\*\* to the High Commissioner on the point raised in paragraph 3 of your letter, are enclosed.

I am, &amp;c.

HENRY LAMBERT.

3061

No. 26.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 4.30 p.m., 22nd January, 1917.)

TELEGRAM.

YOUR despatch of 27th September, 1061.†† Admission Indian wives and children; Indian Government readily accept suggestions of your Government, and will issue necessary instructions.—LONG.

\* No. 11. † No. 21. ‡ No. 17. § Enclosure in No. 8. || L.F. ¶ No. 23. \*\* No. 24. †† No. 13.

4180

No. 27.

## INDIA OFFICE to COLONIAL OFFICE.

(Received 23rd January, 1917.)

SIR,

India Office, Whitehall, London, S.W., 22nd January, 1917.

IN continuation of my letter of the 30th ultimo,\* and with further reference to Mr. Lambert's letter of the 28th November last,† I am directed by Mr. Secretary Chamberlain to state, for the information of Mr. Secretary Long, that, after consultation with the Government of India, he does not desire to raise any objection to some further measure of co-operation between the Union Government and the Portuguese authorities to check illicit immigration into Union territories, provided that such measures are not directed against Indians or Asiatics by name.

I am, &amp;c.,

M. C. SETON.

4180

No. 28.

## COLONIAL OFFICE to FOREIGN OFFICE.

[Answered by No. 29.]

SIR,

Downing Street, 27th January, 1917.

I AM directed by Mr. Secretary Long to transmit to you, for Mr. Secretary Balfour's consideration, a copy of a despatch‡ from the Governor-General of the Union of South Africa on the subject of the illicit immigration of Asiatics into the Union through the port of Lourenço Marques.

Mr. Long proposes, with Mr. Balfour's concurrence, to inform Lord Buxton that there is no objection to his endeavouring to arrange for further co-operation between the Union Government and the local Portuguese authorities in preventing such immigration, provided that such measures are not directed against Indians or Asiatics by name.

Mr. Long has ascertained that the Secretary of State for India concurs in the course proposed.

I am, &amp;c.,

HENRY LAMBERT.

6252

No. 29.

## FOREIGN OFFICE to COLONIAL OFFICE.

(Received 3rd February, 1917.)

SIR,

Foreign Office, 2nd February, 1917

I AM directed by Mr. Secretary Balfour to acknowledge the receipt of your letter of the 27th ultimo,§ relative to the illicit immigration of Asiatics into the Union of South Africa through the port of Lourenço Marques.

Mr. Balfour concurs in Mr. Long's proposal to inform the Governor of the Union in the sense of the second paragraph of your letter under reply.

I am, &amp;c.,

VICTOR WELLESLEY.

\* No. 21.

† No. 17.

‡ No. 11.

§ No. 28.



6252

No. 30.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office, 7th February, 1917. L.F.]

[See No. 49.]

(Confidential.)

MY LORD,

Downing Street, 6th February, 1917.

WITH reference to my Confidential despatch of the 19th ultimo,\* I have the honour to request Your Excellency to inform your Ministers that His Majesty's Government, after consultation with the Government of India, see no objection to your endeavouring to arrange for further co-operation between the Union Government and the local Portuguese authorities in preventing illicit immigration of Asiatics into the Union through Lourenço Marques, provided that such measures are not directed against Indians or Asiatics by name.

I have, &amp;c.,

WALTER H. LONG.

9762

No. 31.

INDIA OFFICE to COLONIAL OFFICE.

(Received 23rd February, 1917.)

India Office, Whitehall.

SIR,

London, S.W., 22nd February, 1917.

IN continuation of my letter of the 16th ultimo,† I am directed by Mr. Secretary Chamberlain to transmit, for the information of Mr. Secretary Long, a copy of the resolution of the Government of India, No. 64-E.D., dated 12th January, 1917, on the subject of the documentary evidence to be produced by, or in respect of, wives and minor children of Indians on a visit to India in support of their claims to admission into the Union of South Africa.

I have, &amp;c.,

M. C. SETON.

Enclosure in No. 31.

RESOLUTION BY THE GOVERNMENT OF INDIA IN THE DEPARTMENT OF COMMERCE AND INDUSTRY, No. 64-E.D., DATED DELHI, THE 12TH JANUARY, 1917.

THE arrangements made to facilitate the entry into the Union of South Africa of the wives and minor children of Indians residing in that country were described in the Government of India's resolution No. 8759/8774/24, of the 3rd September, 1914. In the procedure there laid down no provision was made for the case of Indians who had left the Union on a visit to India before the date of the above resolution, and who were therefore unable to procure the required certificate from the Immigration Officers or Magistrates in the Union.

Provision has now been made for such cases in consultation with the Government of the Union of South Africa, and the requisite procedure is described below.

2. The husband or father on a visit to this country who desires to obtain a certificate of relationship to facilitate the admission into the Union of South Africa of his wife or children under the age of sixteen years should appear personally before the principal local Magistrate in India, viz., the Chief Presidency Magistrate in a Presidency town, the Political Officer in a Native State, or the District Magistrate elsewhere. The principal local Magistrate in India will institute an inquiry, either personally or through an officer not below the rank of a Deputy Tahsildar, a Sub-Deputy Collector, or a Mamlatdar, according to the Province concerned, and if the senior Magistrate is satisfied as to the alleged relationship he will grant a certificate of relationship in the form prescribed in the resolution above referred to in favour of the person (or persons) referred to in it. The certificate should be presented to the Immigration Officer at the port of entry.

\* No. 23.

† No. 22.

3. The certificate will contain the identification marks of the husband or father, as well as of the wife and child as the case may be, and will be limited in the case of children to those under the age of sixteen years at the date of their arrival in the Union. In this connexion it is of importance that not only the age of minor children should be certified, but also the month of birth.

4. A written notice will be given to the applicant that the certificate is only a provisional one, and does not in itself give either the applicant himself or the relation any claim to enter South Africa.

5. The Magistrate granting the certificate will inform the Principal Immigration Officer concerned of its issue. In the case of persons desiring to disembark at Lourenço Marques, the intimation should be addressed to the Principal Immigration Officer, Pretoria. When disembarkation will take place at Durban or Cape Town the Principal Immigration Officer at the port indicated should be addressed.

Ordered that the foregoing resolution be forwarded to all Local Governments and Administrations, for information and guidance, and to the Foreign and Political Department for communication to the Agents to the Governor-General and Political Officers in Native States.

Ordered also that the resolution be published in the *Supplément to the Gazette of India*.

True copy.

Superintendent, Department of Commerce  
and Industry.

9762

No. 32.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(No. 100.)

MY LORD,

Downing Street, 28th February, 1917.

WITH reference to my telegram of the 22nd January,\* I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a letter from the India Office† on the subject of the arrangements for the admission into the Union of the wives and minor children of Indians.

I have, &amp;c.,

WALTER H. LONG.

19209

No. 33.

INDIA OFFICE to COLONIAL OFFICE.

(Received 14th April, 1917.)

India Office, Whitehall,

SIR,

London, S.W.1, 13th April, 1917.

WITH reference to my letter of the 4th instant,‡ I am directed by Mr. Secretary Chamberlain to transmit, for the information of Mr. Secretary Long, a copy of a letter from the Government of India in answer to my letter of the 25th January, 1917, a copy of which was enclosed in my letter to you of the 16th ultimo.§ As regards paragraph 1 of the Government of India's letter, Mr. Chamberlain assumes that no practical difficulty will arise as to the age certificates required by the Union Government. As regards paragraph 2, Mr. Chamberlain agrees with the proposals of the Government of India.

I have, &amp;c.,

M. C. SETON,  
Secretary, Judicial and Public  
Department.

\* No. 26.

† No. 31.

‡ 17813: not printed.

§ 14246: not printed.



Enclosure in No. 33.

THE HONOURABLE MR. H. F. HOWARD, C.I.E., I.C.S., SECRETARY TO THE GOVERNMENT OF INDIA, TO THE SECRETARY, JUDICIAL AND PUBLIC DEPARTMENT, INDIA OFFICE.

(No. 1076-E.D.)

Government of India, Department of Commerce and Industry,  
Delhi, 9th March, 1917.

*Emigration.*

SIR,

WITH reference to your letter No. J. & P. 134/17, dated the 25th January, 1917, and enclosure, regarding the admission of Indian wives and children to the Union of South Africa, I am directed to say that it will no doubt be impossible in every case to certify with any degree of accuracy the ages of wives and children or the precise month of birth. It is understood, however, that the Union Government's requirements will be satisfied if the most accurate information available is given.

2. The Government of India have no objection to the Immigration Officers in South Africa corresponding direct, as proposed by the Ministers, with Political Officers (not below the rank of Political Agent), and District Officers in India (not below the rank of Collector or Deputy Commissioner), with a view to obtain information regarding persons seeking admission to the Colony.

3. The question of the supply of large scale maps of India to the Union Government has already been dealt with in the letter to His Majesty's Under-Secretary of State for India, No. 29-E.D.,\* dated the 23rd February, 1917.

I have, &c.,  
S. H. SLATER,  
for Secretary to the Government  
of India.

17813

No. 34.

THE SECRETARY OF STATE TO THE GOVERNOR-GENERAL.

(No. 180.)

MY LORD,

Downing Street, 14th April, 1917.

WITH reference to Your Excellency's despatch No. 1061, of the 27th of September, 1916,† I have the honour to transmit to you, for the information of your Ministers, the accompanying copy of a letter from the Government of India on the subject of the supply to the Union Government of maps for use in connexion with the arrangements for the supply of documentary evidence by, or in respect of, wives and minor children of Indians in support of their claim for admission to the Union of South Africa.

I have, &c.,  
WALTER H. LONG.

Enclosure in No. 34.

THE HONOURABLE MR. H. F. HOWARD, C.I.E., I.C.S., SECRETARY TO THE GOVERNMENT OF INDIA, TO HIS MAJESTY'S UNDER-SECRETARY OF STATE FOR INDIA.

(No. 29-E.D.)

Government of India, Department of Commerce and Industry,  
Delhi, 23rd February, 1917.

*Emigration.*

SIR,

I AM directed to refer to the last paragraph of the minute No. 1255, dated the 30th August, 1916, from the Ministers of the Government of the South Africa Union, which was forwarded with Mr. Seton's letter No. J. & P. 4721, dated the 23rd November, 1916, on the subject of the admission of Indian wives and children to the Union. The Ministers request that the Union Government may be supplied with three copies of a large scale map with the various sub-districts clearly marked distinguishing "British India" and the "Native States."

\* Enclosure in No. 34.

† No. 13.

2. The Surveyor-General of India is being instructed to supply the Union Government direct with three copies of two maps of India. One is a small scale map of India (one hundred and sixty miles—one inch) uncoloured, showing provinces and districts. The scale is probably too small for the purpose required, but the great majority of districts can be readily found. The other is of the thirty-two miles—one inch scale, and is in twelve sheets. The sheets can be kept separate or they can be joined together to form a wall map. On this map the districts are bounded by narrow ribands of colour. The names of the districts are not printed across their areas, but can be derived from the names of the district headquarter towns, which are indicated in roman capital type. In the few cases in which the name of the district does not correspond with the name of its headquarter town—e.g., the headquarter town of the Attock District is Campbellpore—the former will be found printed in brackets below the latter.

3. There are no maps on scale smaller than four miles—one inch showing "sub-divisions" of districts, and the number of sections which would be required of larger scale maps on which they are shown would be too great for ready use. The names of sub-divisions of districts are, however, obtainable from the Indian Gazetteer, of which the South African Government no doubt possesses copies.

I have, &c.,  
S. H. SLATER,  
for Secretary to the Government of India.

20753

No. 35.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE.

(Received 23rd April, 1917.)

[Copy to Foreign Office, 26th April, 1917. L.F.]

(No. 181.)

SIR,

Governor-General's Office, Cape Town, 20th March, 1917.

I HAVE the honour to transmit to you herewith, with reference to Mr. Bonar Law's despatch No. 1388, of the 7th December, 1916,\* a copy of a minute, No. 351, from Ministers, dated 12th March, on the subject of the desire of certain Japanese subjects to carry on business in South Africa.

2. I have requested the Governor-Generals of Canada and Australia and the Governor of New Zealand to be so good as to furnish the information desired by my Ministers.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 35.

(Minute 351.)

Prime Minister's Office, Cape Town, 12th March, 1917.

WITH reference to His Excellency the Governor-General's minute No. 62/857, dated the 5th January, 1917, relative to the desire of certain Japanese subjects to carry on business in South Africa, Ministers have the honour to state that, before arriving at a decision in this matter, they desire to ascertain what is the practice in other British Dominions, and would therefore request that His Excellency may be pleased to inquire, in regard to Australia, Canada, and New Zealand, what the law or the regulations are in regard to the admission of Japanese into those countries, what facilities, if any, are granted to them for carrying on business, and what conditions, by way of permit or otherwise, are imposed in connexion with such trading.

LOUIS BOTHA.

\* No. 18.



19209

No. 36.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office, 24th April, 1917. L.F.]

(No. 193.)

MY LORD,

Downing Street, 23rd April, 1917.

WITH reference to my despatch No. 100, of the 28th February,\* respecting the admission of Indian wives and children into the Union, I have the honour to request Your Excellency to inform your Ministers that the Government of India point out that it will no doubt not be possible in every case to certify with any degree of accuracy the ages of wives and children or the precise month of birth. It is presumed, however, that your Government's requirements will be satisfied if the most accurate information available is given, and that no difficulty should arise in practice.

2. The Government of India have no objection to Immigration Officers in South Africa corresponding direct, as proposed in the minute from Ministers of the 30th August, 1916,† with Political Officers (not below the rank of Political Agent) and District Officers (not below the rank of Collector or Deputy Commissioner) in India with a view to obtaining information regarding persons seeking admission to the Union.

I have, &amp;c.,

WALTER H. LONG.

32002

No. 37.

SOUTHERN RHODESIA.

THE HIGH COMMISSIONER to THE SECRETARY OF STATE.

(Received 25th June, 1917.)

[Copy to India Office, 10th July, 1917. L.F.]

(Confidential.)

High Commissioner's Office, Cape Town,

23rd May, 1917.

SIR,

WITH reference to your Confidential despatch of 19th January,‡ I have the honour to transmit to you copies of correspondence with the Resident Commissioner at Salisbury respecting the arrangement made between the Southern Rhodesia Administration and the Portuguese authorities at Beira regarding the entry of Asiatics through that port.

I have, &amp;c.,

BUXTON,

High Commissioner.

Enclosure 1 in No. 37.

(Confidential.)

High Commissioner's Office, Cape Town,

2nd March, 1917.

SIR,

I HAVE the honour to transmit to you a copy of a despatch‡ from the Secretary of State with regard to an arrangement made between the Southern Rhodesia Administration and the Portuguese authorities at Beira respecting the entry of Asiatics through that port. I also enclose a copy of a letter which was addressed by the Chief Immigration Officer at Bulawayo to the Principal Immigration Officer at Pretoria on 16th December, 1915.§ This letter, which gives details of the arrangement made with the Portuguese authorities, was communicated to me by Union Ministers and formed an enclosure in my Confidential despatch of 23rd September last,|| to which reference is made by the Secretary of State.

\* No. 32. † Enclosure in No. 13. ‡ No. 24. § Sub-enclosure in Enclosure 1 in No. 11. || No. 11.

2. I do not appear to have received any communication from the Administrator or from you respecting this arrangement, and I shall be obliged if you will furnish me with a report on the subject.

3. I shall also be glad if you will take a suitable opportunity to inform the Administrator of my desire to be furnished as soon as possible with full information regarding matters of this nature.

I have, &amp;c.,

BUXTON,

High Commissioner.

His Honour

The Resident Commissioner,  
Salisbury.

Enclosure 2 in No. 37.

(Confidential.)

MY LORD,

Resident Commissioner's Office, Salisbury, 8th May, 1917.

WITH reference to Your Excellency's despatch, Confidential, of the 2nd March, respecting an arrangement made between the immigration authorities of Southern Rhodesia and the Portuguese authorities at Beira as to the entry of Asiatics through that port, I have the honour to enclose herewith a copy of a letter from the Administrator's Department communicating a report by the Commissioner of Police, Salisbury.

2. I regret that pressure of other work prevented me from dealing with this report immediately upon its receipt.

3. It will be seen that the "arrangement" in question was not based upon any written agreement.

4. The requirement of a deposit of £10 from all Asiatics landing at Beira, and its retention by the Portuguese authorities pending the decision of the Rhodesian Immigration Department upon applications for admission into Rhodesia by such Asiatics who proceed from Beira to this territory, would seem to be matters governed by Portuguese municipal law, and therefore not subject to Rhodesian control. I see no hardship in the retention of the deposit as a security against the contingency of the applicant's restriction from entry into Rhodesia, provided that in the event of his admission into the territory the Rhodesian authorities are prepared to render him any assistance of which he may stand in need to secure a refund of the money. Perhaps Your Excellency might consider whether the Administration should be asked to give an assurance in that sense.

5. The arrangement under which Asiatics desiring to enter the Union through Beira and Rhodesia are to be informed that they should proceed via one of the prescribed Union ports of entry is also a matter primarily of Portuguese concern. It is a neighbourly act towards the Union Government, for whose declared policy in this respect I may refer to the enclosures accompanying Your Excellency's despatch, Confidential, of the 4th March, 1916.\* Any Asiatics diverted at Beira to Union ports would not, of course, come directly under the cognizance of the Rhodesian authorities.

6. As regards Asiatics who desire to enter the Bechuanaland Protectorate via Beira and Rhodesia, I conclude that the provision by which they are called upon to prove their domicile in the Protectorate before being allowed to proceed must probably accord with the wishes of the Protectorate authorities, but I have no definite information on this point. It might perhaps be useful to elucidate what procedure is adopted in dealing with evidence submitted in proof of such domicile. It is not clear to me whether depositions are taken by the Portuguese authorities at Beira and referred to Mafeking for decision, or whether Asiatics domiciled in the Protectorate are furnished on leaving it with documentary proof of their domiciliary status, and are therefore in a position to satisfy the Portuguese authorities by production of the documents which have been issued to them, or whether the investigation is made on the Rhodesian side of the border. Your Excellency may wish to consult Lieutenant-Colonel Garraway before pursuing this point. It will be

\* See Union Ministers' minute No. 99, of 22nd January, 1916, enclosed in Governor-General's despatch to Secretary of State, Confidential (2), of 25th February, 1916 (No. 8).



remembered that the Administrator of Southern Rhodesia is not, in view of the provisions of Section 7 (4) of the Immigrants Regulation Ordinance, No. 7 of 1914, entitled to restrict persons domiciled in the Protectorate.

7. I may state that, until Your Excellency's despatch of the 2nd March reached me, I was not aware of the arrangements under discussion. I am asking Sir Drummond Chaplin to notify in future not only any developments or modifications of the Rhodesian practice in regard to matters of this kind, but also any changes in the relevant Portuguese law, regulations, or procedure, which may come to the knowledge of his Administration.

I have, &c.,  
H. J. STANLEY,  
Resident Commissioner.

His Excellency  
The Right Honourable  
The Viscount Buxton, G.C.M.G.,  
High Commissioner for South Africa.

(Confidential.)

SIR, Administrator's Office, Salisbury, 21st April, 1917.  
WITH reference to your letter of 17th March forwarding a copy of a despatch from the High Commissioner with regard to an arrangement made between the Chief Immigration Officer of this Administration and the immigration authorities of the Mozambique Company at Beira respecting the entry of Asiatics through that port, I am directed to transmit, for the information of His Honour the Resident Commissioner, a copy of a report on the matter by the Commissioner of Police, dated the 17th instant.

I have, &c.,  
J. ROBERTSON,  
Secretary, Department of Administrator.

The Secretary to  
His Honour the Resident Commissioner,  
Salisbury.

Commandant-General's Office,  
Salisbury, 17th April, 1917.

The Secretary,  
Department of Administrator.

SIR, WITH reference to High Commissioner's Confidential despatch of the 2nd March, 1917, forwarded under cover of the Resident Commissioner's communication of the 17th idem, I have the honour to report as follows:—

In November, 1915, a high official of the Union Immigration Department had occasion to visit Bulawayo to give evidence in two cases in which Asiatics were charged with having obtained fraudulent entry into Rhodesia. During this visit Captain Brundell, Chief Immigration Officer, who had been experiencing considerable difficulty in connexion with the immigration of Asiatics, took the opportunity of discussing the subject with him, and as it appeared to me that the difficulties experienced by the Union authorities at Lourenço Marques were identical with those we were experiencing at Beira, I instructed Captain Brundell to proceed there with a view to explaining (a) the provisions of our Immigration Ordinance, (b) the ways and means generally used by Asiatics in attempting to evade its provisions, to the Portuguese authorities.

It would appear that prior to Captain Brundell's arrival at Beira the Portuguese authorities had drafted regulations—the purport of which is given in his letter of the 16th December, 1915 (page 2), to the Chief Immigration Officer, Pretoria, and which were about to be published.

As it was possible for an Asiatic who had landed at Beira and proceeded to Rhodesia to be held on his arrival there to be a prohibited immigrant, and returned to Portuguese territory and be stranded there without means, the Portuguese authorities have made it an order that the sum of £10 (deposited by law by all Asiatics arriving at Beira) should, in the case of an Asiatic en route to

Rhodesia—unless the depositor was in possession of a Rhodesian certificate of identity, be held as a security until such time as the Rhodesian Immigration Department advised the Portuguese authorities that he was not a prohibited immigrant. If the depositor was passed by the Rhodesian Immigration Department the amount of his deposit was returned to him and he was allowed to proceed; if, on the other hand, he was held to be a prohibited immigrant, the Portuguese holding the deposit were able to deal with the case.

This arrangement benefited the Rhodesian Immigration Department only to the extent that they would be able to obtain full details concerning Asiatics arriving at Beira, which enabled them to check the inflow of Asiatic immigrants into this territory.

In addition to this, Captain Brundell suggested, and the Portuguese authorities agreed, as follows:—

- (1) That those Asiatics landing at Beira who stated they wished to proceed to the Union via Rhodesia and Bechuanaland should be informed that they ought to proceed via the prescribed Union ports of entry.
- (2) That those who appeared to be prohibited immigrants in Rhodesia who wished to proceed to the Bechuanaland Protectorate, before being allowed to do so, should be able to prove their domicile there.

No written agreement exists, and the above were the results of the conference between the immigration officials concerned.

I have, &c.,  
A. H. M. EDWARDS,  
Brigadier-General, Commissioner.

Enclosure 3 in No. 37.

(High Commissioner. Confidential.)

Resident Commissioner's Office, Salisbury, 18th May, 1917.

Reference: Resident Commissioner's Confidential despatch of 8th May, 1917.  
MY LORD,

I HAVE the honour to transmit herewith a copy of a despatch, Confidential, from His Honour the Administrator of Southern Rhodesia, dated 15th May, 1917, on the subject of the entry of Asiatics through Beira (arrangement made between Chief Immigration Officer of Southern Rhodesia and the immigration authorities at Beira).

I have, &c.,  
H. J. STANLEY,  
Resident Commissioner.

His Excellency  
The Right Honourable  
The Viscount Buxton, G.C.M.G.,  
High Commissioner for South Africa.

(Confidential.)

SIR, Administrator's Office, Salisbury, 15th May, 1917.

I HAVE the honour to acknowledge the receipt of your Confidential despatch of 8th instant on the subject of the arrangement made between the Chief Immigration Officer of this territory and the immigration authorities at Beira as to the entry of Asiatics through that port.

I have, as suggested in the last paragraph of the despatch, given instructions that in future early notification is to be conveyed to me, for communication to Your Honour, of any developments or modification of the practice adopted in this territory in regard to such immigrants, and of any changes in the Portuguese law or procedure which may come to the knowledge of this Administration.

I have, &c.,  
DRUMMOND CHAPLIN,  
Administrator.

His Honour the Resident Commissioner,  
Salisbury.



Enclosure 4 in No. 37.

(Southern Rhodesia. Confidential.)

SIR, High Commissioner's Office, Cape Town, 23rd May, 1917.  
I HAVE the honour to acknowledge the receipt of your Confidential despatch of 8th May, respecting the arrangement made between the Southern Rhodesian Administration and the Portuguese authorities at Beira regarding the entry of Asiatics through that port.

2. As regards the refund by the Portuguese authorities of the deposits referred to in the fourth paragraph of your despatch, I have no doubt that the Rhodesian Immigration Department will be prepared to assist, so far as is possible, any Asiatic who may experience difficulty in recovering such deposits, and I do not think that it is necessary to ask for a formal assurance from the Administration on this point.

3. With regard to paragraph 6 of your despatch, I may mention that Indians domiciled in the Bechuanaland Protectorate who apply for permits to enable them to visit India and to return to the Protectorate are required to provide means of identification (e.g., a photograph) which would prevent the permit being used by anyone else.

I have, &c.,  
BUXTON,  
High Commissioner.

His Honour,  
The Resident Commissioner,  
Salisbury.

31931

No. 38.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th June, 1917.)

(Confidential.)

SIR, Governor-General's Office, Cape Town, 25th May, 1917.  
A CONGRESS of the Indian communities in the Cape Province has been held recently in Cape Town. I enclose Press reports\* of the proceedings.

2. There appears to have been some difference of opinion amongst Indians whether it would be expedient to hold a congress at the present time. When the question was once settled, however, all sections of the Indians agreed to co-operate and the congress was a most representative gathering.

3. Mr. Merriman, who opened the proceedings, gave the delegates much good advice, which they can hardly be said to have followed. He urged, in particular, moderation in putting forward grievances. Almost every subject discussed was brought up as a grievance, and although most of the speakers professed to adhere to the Smuts-Gandhi settlement of 1914, and represented each "grievance" as a breach of that agreement on the part of the Union Government, it is only necessary to glance through the resolutions adopted to see that the congress went far beyond Mr. Gandhi's maximum. I need only mention the three demands: first, for full citizen rights for all Indians who have the qualifications required from Europeans; secondly, for the admission of all dependents of Indians resident in the Union; and, thirdly, for the recognition of every marriage contracted according to Indian religious tenets.

4. It is not, of course, to be expected that the Indians of South Africa should see the world after three years' war as they saw it in 1914. The Smuts-Gandhi settlement could in no circumstances have been permanent, but the War has taken years off its life. It seems as certain that the Indians of South Africa will after the War agitate for conditions more favourable to themselves, as that the people of India will demand a greater share in the government of India. (You will observe that the Cape Town Congress passed a resolution in favour of Home Rule for India.) It is idle to speculate how a fresh Indian agitation in South Africa would be received by the white population. General Smuts said in Cape Town, after his return from East Africa, that he was sure all those South Africans who had

\* Not reprinted: see *Cape Times* of 11th, 12th, 14th, 15th, 16th, 17th, 18th, 19th, and 22nd May, 1917.

served side by side with Indian troops would have a far wider sympathy with their Indian fellow subjects than they had before. This is no doubt true. But at present there is little sign of any change of spirit in the Union itself. There is profound ignorance of Indian affairs and little sign of awakening interest. The decision to give India representation at Imperial Conferences has passed practically unnoticed. The report,\* which I attach, of an inquiry into the recent death of an Indian in Johannesburg reveals an attitude towards the individual Indian in South Africa which is probably still that of many Europeans of both races.

5. You will observe that some members of the congress expressed anxiety over a report that Indians were to be deprived of the municipal franchise in Natal. The reference was, I gather, to a draft municipal ordinance to be introduced in the Natal Provincial Council. I have not yet seen the draft ordinance, but I have received a petition on the subject and have asked Ministers for a full report.

I have, &c.,  
BUXTON,  
Governor-General.

3456

No. 39.

INDIA OFFICE to COLONIAL OFFICE.

(Received 2nd July, 1917.)

[Answered by No. 42.]

SIR, India Office, Whitehall, London, S.W.1, 29th June, 1917.  
WITH reference to the question of Indians in South Africa, I am directed by Mr. Secretary Chamberlain to transmit, for the consideration of Mr. Secretary Long, the enclosed copy of a telegram from the Government of India. He feels confident that Mr. Long will agree that any restriction of Indian rights in Natal would be most inopportune, and trusts that if fresh legislation is contemplated the Union Government will be willing to give the Government of India an opportunity of considering its provisions.

I am, &c.,  
M. C. SETON.

Enclosure in No. 39.

TELEGRAM FROM VICEROY, COMMERCE AND INDUSTRY DEPARTMENT, DATED  
27TH JUNE, 1917.

(Received at India Office, 10.0 a.m., 28th June, 1917.)

7405. It is stated in Indian edited papers published both here and in Natal that Bill being considered in that Colony effect of which will be to deprive Indians of power of voting in municipalities, and to empower municipal bodies to deal with Indians more strictly. If this is correct we earnestly trust that we shall be given opportunity of expressing our views, and, meanwhile, would welcome authoritative information regarding real purport of Bill.

33561

No. 40.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2.53 p.m., 2nd July, 1917.)

[Copy to Foreign Office 7th July, and to India Office 10th July, 1917. L.F.]

TELEGRAM.

[Answered by Nos. 41 and 47.]

WITH reference to your despatch 7th December, No. 1388,† have discussed this question with Ministers, and following is summary of their reply:—  
Firstly.—Provisions of Act 22 of 1913 prevent issue of trading licences.

\* Not printed: see *Cape Times*, 23rd May, 1917.

† No. 18.



*Secondly.*—Ministers have for some time past been considering question of admitting certain number of Japanese, and are prepared to admit annually on temporary permits, not more than thirty persons such as students, Government officials, merchants, commercial travellers, or agents. Permits will be issued on strength of passports or other documents from Government of Japan, who will facilitate entry by sending advice in each case through Japanese Consul at Cape Town. Permits will be available for periods not exceeding three years, according to time considered necessary by Government of Japan to secure object of visit.

*Thirdly.*—Ministers will be prepared to issue licences as agents for foreign firms to enable Japanese subjects to canvass for business and to book orders for goods to be supplied from Japan. Persons to whom these licences are issued will be included in thirty annual entrants.

*Fourthly.*—It will be open to either Government to make further representations to the other if this arrangement were found to be unsatisfactory.

*Fifthly.*—Ministers hope these proposals will be acceptable to Government of Japan, and if so ask that details should be arranged through Japanese Consul at Cape Town.—BUXTON.

33561

No. 41.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

(Sent 6.0 p.m., 5th July, 1917.)

[Copy to Foreign Office 7th July, and to India Office 10th July, 1917. L.F.]

TELEGRAM.

[Answered by No. 46.]

YOUR telegram 2nd July,\* second point. What is present practice regarding temporary permits for British Indians? There would be objections to giving more favourable terms to Japanese.—LONG.

33456

No. 42.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 11th July, 1917.

WITH reference to your letter of the 29th ultimo,† I am directed by Mr. Secretary Long to transmit to you, to be laid before Mr. Secretary Chamberlain, a copy of a despatch‡ from the Governor-General of the Union of South Africa respecting a congress of the Indian communities in the Cape Province held in Cape Town.

2. It will be seen that the draft Natal Municipal Ordinance was mentioned at the congress, and that the Governor-General has asked his Ministers for a full report on the subject. Mr. Long would propose to await the receipt of this report before considering the matter further.

3. I am to observe that, according to a statement in the issue of *Indian Opinion* of the 25th May, the Mayor of Durban informed a meeting of Indians that there was no possibility of the Ordinance being considered by the Provincial Council for at least a year.

I am, &amp;c.,

HENRY LAMBERT.

\* No. 40.

† No. 39.

‡ No. 33.

38544

No. 43.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd August, 1917.)

[Copy to India Office, 20th August, 1917. L.F.]

(No. 506.)

SIR,

Governor-General's Office, Cape Town, 26th June, 1917.

I HAVE the honour to transmit to you the accompanying copy of a letter\* from the Chairman of the Newcastle Indian Ratepayers' Association, covering resolutions passed at a meeting held on the 12th May.

2. It will be seen that I have been requested to forward resolutions Nos. 5 and 6 for submission to His Majesty the King. Before doing so, however, I thought it advisable to ascertain the views of my Ministers upon the first four resolutions, and I enclose, for your information, a copy of the minute which I have now received from them.

3. I understand that the draft ordinance to the terms of which exception is taken is a consolidating measure prepared by the Assistant Town Clerk at Durban at the request of the Natal Municipal Association, and that the measure was discussed at the annual meeting of the Association held at Ladysmith in April last.

I have, &amp;c.,

BUXTON,

Governor-General.

Enclosure 2 in No. 43.

MINUTE 983.

Prime Minister's Office, Cape Town, 21st June, 1917.

WITH reference to His Excellency the Governor-General's minute No. 15/868, of the 23rd May, 1917, transmitting copy of a letter, dated 12th idem, from Mr. M. E. Seedat, Chairman of the Newcastle Indian Ratepayers' Association, forwarding resolutions relative to the draft Local Government Ordinance (Natal), Ministers have the honour to inform His Excellency that they are advised by the Provincial Secretary, Natal, that the draft ordinance in question has been prepared by the municipal authorities and has not yet been presented to the Provincial Administration, and that there is no intention of dealing with it during the present session of the Provincial Council.

Ministers are also advised by the Provincial Secretary that a copy of the communication from the Newcastle Indian Ratepayers' Association, dated the 12th May last, was duly received in the office of the Administrator of Natal, and that a reply was sent to the Chairman to the effect that the draft ordinance had not yet been officially received or considered by the Provincial Administration, and suggesting that in the first instance his Association should address their representations to the municipal authorities.

LOUIS BOTHA.

38564

No. 44.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 2nd August, 1917.)

[Copy to India Office and Foreign Office, 9th August, 1917. L.F.]

[Answered by No. 47.]

(No. 526.)

SIR,

Governor-General's Office,

Cape Town, 30th June, 1917.

WITH further reference to Mr. Bonar Law's despatch No. 1388, of the 7th December, 1916,† I have the honour to transmit to you the accompanying copy of a

\* Not printed.

† No. 18.



minute embodying the decision reached by my Ministers regarding the admission of Japanese subjects into the Union, after ascertaining the practice in other Dominions.

2. I have discussed this question fully with Sir Thomas Walf, as representing the Government, and the minute forwarded contains the conclusions come to, which seem to be the best that can be done.

3. I understand also that the Japanese Consul here, Mr. Jeppe, considers that the proposal is, on the whole, a liberal one.

I have, &c.,  
**BUXTON,**  
 Governor-General.

Enclosure in No. 44.

(Minute 1033.)

Prime Minister's Office, Cape Town, 27th June, 1917.

WITH further reference to His Excellency the Governor-General's minute No. 62/857, of the 5th January, 1917, relative to the desire of certain Japanese subjects to carry on business in South Africa, Ministers have the honour to state that, as the provisions of the Immigration Act No. 22 of 1913 prevent the issue of licences to trade within the Union of South Africa to the Japanese subjects referred to, they regret that they are unable to meet the wishes of the Japanese Embassy in regard to this particular request.

Ministers wish, however, to state that the question of admitting a certain number of Japanese into the Union has received their consideration for some time, and they are prepared to relax the provisions of the Immigration Act to a certain extent by entering into an arrangement with the Japanese Government by which not more than thirty persons, such as students, merchants, Government officials, and commercial travellers or agents would be admitted, annually, into the Union on temporary permits on passports or other documents issued by the Japanese Government, and in regard to whom advices could be sent to the Union Government through the Consul-General for Japan in Cape Town in order to facilitate the admission of the persons concerned by the immigration officials. The permits could be made available for periods not exceeding three years, according to the period considered necessary by the Japanese Government to secure the objects of the visit. The holders of permits would of course be obliged to leave the Union on the expiration of the periods mentioned in their permits.

In regard to the admission of any persons who seek entry for the purpose of securing trading facilities Ministers regret that, as previously stated, licences to carry on businesses within the Union cannot be issued, but they are prepared to sanction the issue of licences to them as agents for foreign firms under which they would be able to canvass for business by booking orders for goods to be supplied from Japan and thus establish trade connexions between the two countries. The persons to whom such licences could be issued would of course form part of the thirty annual entrants referred to.

Ministers hope that these proposals will be acceptable to the Japanese Government as an earnest of their desire to meet that Government in its efforts to secure favourable treatment for its subjects, and would ask that, should the proposals be agreed to, further details be arranged by that Government with the Union Government through the Consul-General for Japan stationed in Cape Town, who has been consulted in this matter during the time the concessions have been under discussion.

Ministers desire to add that, if it is found by either Government that such an arrangement as they have indicated is unsatisfactory, it will be open to either Government at any time to make further representations to the other, hoping in this way to maintain the friendly relations that exist between the Government and people of Japan and those of the Union.

LOUIS BOTHA.

38950

No. 45.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4th August, 1917.)

[Copy to India Office, 9th August, 1917. L.F.]

SIR,

Foreign Office, S.W.1, 2nd August, 1917.

I AM directed by Mr. Secretary Balfour to acknowledge the receipt of your letter of the 7th ultimo,\* relative to the entry of Japanese into South Africa.

In reply, I am to state that Mr. Balfour is of opinion that it is an unpropitious moment to begin negotiations with the Japanese Government about such a proposal as that outlined in the telegram† from the Governor-General of the Union of South Africa, and he does not propose to take any action in this matter until he hears again from Mr. Secretary Long.

I am, &c.,  
 W. LANGLEY.

39051

No. 46.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 1.22 p.m., 4th August, 1917.)

[Copy to India Office and Foreign Office, 9th August, 1917. L.F.]

TELEGRAM.

[Answered by No. 47.]

(Paraphrase.)

WITH reference to your telegram 5th July,‡ my Ministers state that at present the practice is to specially admit annually to each of Transvaal, Cape, and Natal Provinces of the Union of South Africa ten selected educated Indians (thirty in all).

These Indians remain so long as they continue in the capacity for which they are admitted, that is priest, teacher, etc., and maintain a domicile in the Province, and it will be seen, therefore, that the Indians receive better treatment than is proposed for Japanese in that their residence in the Provinces of the Union is permanent if they comply with the conditions, whereas Japanese would be here on temporary permit for periods which would not, as a general rule, exceed three years.—BUXTON.

39051

No. 47.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to India Office and Foreign Office, 9th August, 1917. L.F.]

(Confidential.)

MY LORD,

Downing Street, 9th August, 1917.

I HAVE the honour to acknowledge the receipt of Your Excellency's telegrams of the 2nd July and 4th August,§ and of your despatch No. 526, of the 30th June,|| on the subject of the admission of Japanese subjects into the Union.

2. Subsequent to the despatch of my telegram of the 5th July,‡ I was informed by the Secretary of State for Foreign Affairs that he was of opinion that it is an unpropitious moment to begin negotiations with the Japanese Government about such an arrangement as that suggested by your Government. Unless, therefore, your Ministers desire it, the matter will not be pursued at present. In any case, it is very doubtful whether the proposal to negotiate through the Consul for Japan, even though only on points of detail, should be adopted.

I have, &c.,  
 WALTER H. LONG.

\* L.F. transmitting copy of No. 40. † No. 40. ‡ No. 41. § Nos. 40 and 46. || No. 44.



43204

No. 48.

INDIA OFFICE to COLONIAL OFFICE.

(Received 29th August, 1917.)

(Confidential.)

SIR,

India Office, Whitehall,  
London, S.W.1., 28th August, 1917.

I AM directed by Mr. Secretary Montagu to acknowledge the receipt of your letter of the 9th instant,\* and to ask you to express to Mr. Secretary Long his acknowledgment of the action taken to secure that British Indian immigrants to South Africa shall not be less favourably treated than Japanese.

I have, &c.,  
M. C. SETON.

47496

No. 49.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th September, 1917.)

(Confidential.)

SIR,

Governor-General's Office, Pretoria, 16th August, 1917.

I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential of the 6th February,† a copy of a letter to the Governor-General of Portuguese East Africa on the subject of the illicit immigration of Asiatics into the Union through Lourenço Marques.

I have, &c.,  
BUXTON,  
Governor-General.

Enclosure in No. 49.

(No. 15/863.)

Governor-General's Office,  
Pretoria, 16th August, 1917.

YOUR EXCELLENCY,

I HAVE the honour to inform Your Excellency that the illicit immigration of Indians into the Union via Portuguese territory is causing my Ministers some concern.

In pursuance of their policy of restricting the immigration of Asiatics, a notice was issued in January, 1916, under the provisions of Section 4 of the Immigrants Regulation Act of the Union, No. 22 of 1913, declaring that persons belonging to classes described in paragraph (a), Sub-section 1, of that Act, when permitted to enter or return to the Union, or any Province thereof, shall enter or return at the ports of Cape Town, Durban, East London, or Port Elizabeth, and not at any other port.

The paragraph quoted reads as follows:—

"(a) Any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof."

It will be observed that Indians or Asiatics are not referred to *eo nomine*—a point to which considerable importance is attached.

Notwithstanding this notice, instructions have been given to Union immigration officers that Indians or other Asiatics possessing registration certificates, certificates of identity, visiting permits (and, in the case of wives and minors, duly completed forms D.1.91) or other specific documentary authority from a principal immigration officer or the Union Government agent at Lourenço Marques must be permitted, as heretofore, to enter the Union through any port of entry. In addition, instructions have been given that Indians leaving the Union for Portuguese East Africa by land must be permitted to return by the same route.

\* L.F. transmitting copies of Nos. 45-47.

† No. 30.

There are, however, grave suspicions that there is a well organized system for assisting prohibited immigrants (a term which may be deemed, for the purpose of this letter, to include all Asiatics who do not possess the documentary evidence of right to enter the Union referred to in the last paragraph) to enter the Union through the port of Lourenço Marques.

My Ministers appreciate the great assistance which has been rendered in the past in this matter by the Portuguese authorities at Lourenço Marques, and have requested me to solicit the co-operation of Your Excellency's Government with a view to the suppression of the illicit immigration. They are aware that regulations already exist in the territory of Portuguese East Africa dealing with the control of Asiatics, but fear that in practice these have proved to be inadequate and ineffective in checking illicit immigration to the Union, and have lent themselves to abuse.

I trust that Your Excellency may be able to see your way to approve of the introduction of regulations of a more drastic nature conforming more closely with the Union law.

It would be helpful if in any new regulations provision could be made for the punishment of those who assist illicit immigration into the Union. I may mention in this connexion that Ranjee Kalidas and Amod Saccoor, Indians, and Falcao and Manuel Abreu, Portuguese, are suspected of carrying on this traffic.

I would also draw attention to the fact that Indians deported from the Union on vessels calling at East African ports are frequently allowed to land at Lourenço Marques and there await a favourable opportunity of again entering the Union. It is desired that instructions be issued not to permit deportees from the Union to land at Lourenço Marques. The Union principal immigration officers advise the Union agent at that port when deportees leave.

In conclusion, I venture again to call attention to the fact that the Union law is not directed against Indians or Asiatics *eo nomine*, and to express the hope that, should Your Excellency find yourself able to lend your valuable aid to the end desired, it may be found possible to avoid mention of those classes by name.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

BUXTON,  
Governor-General.

His Excellency

The Governor-General of Mozambique,  
Lourenço Marques.

47498

No. 50.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 25th September, 1917.)

(Confidential.)

SIR,

Governor-General's Office, Pretoria, 22nd August, 1917.

I HAVE the honour to transmit to you herewith, with reference to your despatch Confidential of the 19th January,\* a copy of a minute, No. 1314, from Ministers, dated 13th August, on the subject of journeys between Southern Rhodesia and the Transvaal of Indians lawfully resident.

I have, &c.,  
BUXTON,  
Governor-General.

\* No. 23.



Enclosure in No. 50.

MINUTE 1314.

13th August, 1917.

WITH reference to His Excellency the Governor-General's Confidential minute No. 15/858, of the 4th July, transmitting a copy of a Confidential despatch dated the 19th January, 1917, from the Secretary of State for the Colonies, together with a copy of a confidential report received from His Majesty's Consul-General, Lourenço Marques, regarding the illicit immigration of Asiatics into the Union, Ministers have the honour to state that Indians lawfully resident in both Southern Rhodesia and the Transvaal are allowed to travel from one to the other direct by rail provided they are in possession of the necessary documents.

F. S. MALAN.

## CANADA.

38297

No. 51.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 14th August, 1916.)

[Answered by No. 57.]

(No. 467.)

SIR,

Government House, Ottawa, 31st July, 1916.

I HAVE the honour to forward, herewith, for your information, a copy of a letter, dated 25th July, 1916, from the Department of External Affairs, on the subject of the British Columbia Medical Act: regulations adopted by College of Physicians and Surgeons of British Columbia.

I have, &amp;c.,

C. FITZPATRICK,

Governor's Deputy.

Enclosure in No. 51.

DEPARTMENT OF EXTERNAL AFFAIRS to GOVERNOR-GENERAL'S SECRETARY.

SIR,

Ottawa, 25th July, 1916.

WITH reference to a despatch from the Secretary of State for the Colonies to the Governor-General, dated the 12th June, 1916, on the subject of the British Columbia Medical Act, I have the honour to transmit to you, herewith, a copy of the regulations adopted by the College of Physicians and Surgeons of British Columbia with a view to the application of Part II. of the Medical Act, 1886, to the Province of British Columbia.

His Honour the Lieutenant-Governor of British Columbia points out that the College of Physicians and Surgeons has adopted the suggestion of the Lord President of the Council to enact regulations similar to those of the College of Physicians and Surgeons of Ontario, with the addition of a further clause which has been adopted at the suggestion of the Acting Registrar of the General Council of Medical Education and Registration of the United Kingdom. I am to request that His Royal Highness may be humbly moved to transmit these regulations to the Secretary of State for the Colonies.

I have, &amp;c.,

JOSEPH POPE,

Under-Secretary of State for External Affairs.

EVERY Medical Practitioner registered in the Medical Register of the United Kingdom of Great Britain and Ireland, upon proof to the satisfaction of the Registrar of the College of Physicians and Surgeons of British Columbia that he is so registered, and that he is of good character, and that he is

by law entitled to practise medicine, surgery, and midwifery, in the United Kingdom, shall, on application to the said Registrar, and on payment of such fee, not exceeding one hundred dollars, as shall be the fee which, by regulation of the Council, shall be from time to time charged for registration of all persons entitled to be registered in the Province of British Columbia, be entitled, without examination in the Province of British Columbia, to be registered under the provisions of the British Columbia Medical Act.

Provided that he proves to the satisfaction of the Registrar the following circumstances:—

That the diploma or diplomas in respect of which he was registered in the said Medical Register of the United Kingdom, was, or were, granted to him at a time when he was not domiciled in the Province of British Columbia, or in the course of a period of not less than five years during the whole of which he resided out of the Dominion of Canada.

And provided further:

That if the diploma or diplomas in respect of which alone he was registered in the said Medical Register of the United Kingdom was, or were, granted to him by an Indian or Japanese university, college, or other licensing authority he shall not be entitled to be registered under the provisions of the British Columbia Medical Act except by express direction of the Council of the College of Physicians and Surgeons of British Columbia.

38297

No. 52.

COLONIAL OFFICE to PRIVY COUNCIL OFFICE.

[Answered by No. 53.]

SIR,

Downing Street, 18th August, 1916.

WITH reference to your letter of the 1st of June last,\* I am directed by Mr. Secretary Bonar Law to transmit to you, to be laid before the Lord President of the Council, a copy of a despatch† from the Governor-General of Canada relative to regulations which have been adopted by the College of Physicians and Surgeons of British Columbia with a view to the application of Part II. of the Medical Act, 1886, to the Province of British Columbia.

2. Mr. Bonar Law will be glad to be favoured with the observations of the Lord President, with special reference to the last paragraph of the regulations, as to which he proposes in due course to communicate with the India Office and the Foreign Office.

I am, &amp;c.,

HENRY LAMBERT.

40551

No. 53.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 26th August, 1916.)

SIR,

Privy Council Office, London, S.W., 25th August, 1916.

REFERRING to your letter of the 18th instant,‡ enclosing a copy of the regulations adopted by the College of Physicians and Surgeons of British Columbia with a view to the application of Part II. of the Medical Act, 1886, to that Province, I am directed by the Lord President of the Council to transmit to you the accompanying copy of a letter from the General Medical Council on the subject, and to say that, in his opinion, the Provincial College should be invited to make the amendment in the regulations indicated in that letter.

I am accordingly to request that you will be good enough to move Mr. Secretary Bonar Law to communicate with the Governor-General of Canada with this object.

I am, &amp;c.,

ALMERIC FITZROY.

\* 25953: not printed.

† No. 51.

‡ No. 52.



Enclosure in No. 53.

General Council of Medical Education and  
Registration of the United Kingdom,  
44, Hallam Street, Portland Place,  
London, W., 24th August, 1916.

SIR, I AM directed by the President to acknowledge receipt of your communication of the 21st August, marked "118,034."

At its last meeting the Executive Committee of the Council passed the following resolution:—

"That, in the event of a copy of the Provincial Medical Act Amendment Act, together with a copy of the regulations adopted by the Provincial College of Physicians and Surgeons of British Columbia, being received and found to satisfy the conditions laid down in Part II. of the Medical Act, 1886, the President be authorized to advise the Lord President that the time had come when His Majesty in Council might, if he saw fit, direct the application of Part II. of the Medical Act, 1886, to the Province of British Columbia; and that when this has been done, as information is in possession of the Council that a course of study extending over five years has been instituted in the Province since 1st January, 1912, the President be empowered, on behalf of the Executive Committee, to direct the Registrar as follows:—

"That any person who holds the licence or membership of the College of Physicians and Surgeons of British Columbia, granted after examination in medicine, surgery, and midwifery, together with the licence to practise in the Province, shall be entitled to be registered in the Colonial List of the Medical Register, provided he satisfies the Registrar of the General Medical Council regarding the other particulars set forth in Part II. of the Medical Act, 1886."

In virtue of the authority thus conferred upon him, the President has examined the regulations adopted by the Provincial College of Physicians and Surgeons of British Columbia, of which you were good enough to forward a copy. He finds that, except in one particular, which is of some importance, they comply with the conditions which have already been approved by the King in Council with reference to other Provinces of the Dominion of Canada. The exception referred to consists in the last three words of the first proviso in the regulations, which provides that a practitioner registered in the Medical Register of the United Kingdom must have obtained his diploma within a period of five years, "during the whole of which he resided out of the *Dominion of Canada*." It will be remembered that, in the case of the Province of Quebec, a similar proposal to rule out the other Provinces of the Dominion of Canada and other parts of the Empire was objected to by the Privy Council, and legislation had to be resorted to in order to replace the words "resided without interruption in the said United Kingdom" by "resided out of the Province of Quebec." Similarly, in the regulations recently adopted with reference to the Province of Ontario, residence out of that Province was alone prescribed. The President is convinced that, if British Columbia is allowed to rule out the rest of the Dominion of Canada under this proviso, a grievance will be created in the other Provinces which have already accepted reciprocity with this country; and that Canadian practitioners who have obtained registrable qualifications, either in their own Province or in the United Kingdom, while still retaining their Canadian domicile, and have registered in this country with a view to obtaining commissions in the Army service or otherwise, will find themselves excluded from practice in British Columbia. Hitherto, we have proceeded on the assumption that each Province was legislating for its own territory, and that when all the Provinces had separately accepted reciprocity the question of Dominion reciprocity would settle itself. It seems to the President highly inexpedient that British Columbia should, perhaps inadvertently, raise what would be in effect a barrier to Dominion reciprocity. He accordingly suggests that a communication should be addressed to the Provincial College of Physicians and Surgeons requesting that, as in the case of the other Provinces of Canada, the words "Province of British Columbia" should be substituted for the words "Dominion of Canada" in the proviso referred to. As the regulations can be amended at any time by the College without fresh legislation on the part of the

Province, no great difficulty or delay need be caused by this communication. If the proposed amendment is effected, the President will have no hesitation in advising that the regulations as they then stand are such as to afford equitable conditions of practice to practitioners registered in the United Kingdom.

I am, &c.,

A. J. COCKINGTON,  
Acting Registrar.

The Clerk of the Council,  
Privy Council Office, S.W.

40551

No. 54.

COLONIAL OFFICE to INDIA OFFICE AND FOREIGN OFFICE.

[Answered by Nos. 55 and 56.]

SIR,

Downing Street, 5th September, 1916.

I AM directed by Mr. Secretary Bonar Law to transmit to you, to be laid before [Mr. Secretary Chamberlain,] [Viscount Grey,] a copy of regulations\* which have been adopted by the College of Physicians and Surgeons of British Columbia with a view to the application of Part II. of the Medical Act, 1886, to the Province of British Columbia.

2. Copies of correspondence with the Privy Council Office on the subject of these regulations are also enclosed for [Mr. Secretary Chamberlain's] [Lord Grey's] information, together with a copy of the British Columbia Medical Act Amendment Act, 1916 (No. 45 of 1916).

3. The amending Act was passed in order to afford registered medical practitioners of the United Kingdom the privilege of practising in British Columbia, with reciprocal treatment for practitioners on the Provincial Register, and the regulations adopted by the College of Physicians and Surgeons of British Columbia embody the conditions upon which practitioners registered in the United Kingdom are entitled to be registered under the provisions of the British Columbia Medical Act.

4. I am to invite attention to the provision contained in the last paragraph of the regulations, and to request that Mr. Bonar Law may be favoured with the observations of [Mr. Secretary Chamberlain] [Lord Grey] on this provision in so far as it affects persons registered in the United Kingdom in respect of diplomas granted by [an Indian] [a Japanese] university, college, or other licensing authority.

I am, &c.,

HENRY LAMBERT.

50303

No. 55.

INDIA OFFICE to COLONIAL OFFICE.

(Received 21st October, 1916.)

India Office, Whitehall,

London, S.W., 20th October, 1916.

SIR,

I AM directed to refer to your letter, dated 5th September last, forwarding, for the opinion of the Secretary of State for India, a copy of the regulations which have been adopted by the College of Physicians and Surgeons, British Columbia, with a view to the application of Part II. of the Medical Act, 1886, to the Province of British Columbia.

The draft regulations contain a proviso that if the diploma in respect of which alone a would-be registrant in British Columbia was registered in the Medical Register of the United Kingdom was granted to him by an Indian university, college, or other licensing authority, he shall not be entitled to be registered under the provisions of the British Columbia Medical Act except by

\* See No. 51.

† 25953, not printed; and Nos. 52 and 53.

‡ No. 54.



express direction of the Council of the College of Physicians and Surgeons of British Columbia. On the other hand, all the medical Acts recently passed by the different provinces in India allow complete freedom of registration to anyone registered in the United Kingdom, and most of them allow it even to a person who, though not actually registered, is qualified to be so registered. The effect therefore would be that an Indian, unless he possessed a qualification obtained outside India, could practise in British Columbia only by courtesy of the Council, while anyone registered in the United Kingdom on a qualification obtained in British Columbia could claim registration in India, and, in all Provinces save two, could claim recognition on a British Columbia qualification without having been registered in the United Kingdom.

3. If reciprocity on these terms is agreed to, Mr. Chamberlain fears that it will have a very bad effect on public opinion in India, and lead to demands for the enactment by the Indian Legislature of retaliatory provisions, and for the recasting of the regulations for entry to the Indian Medical Service so as to exclude candidates holding a diploma of British Columbia. Controversy and agitation of this kind would be extremely unfortunate at the present time. Mr. Chamberlain therefore would deprecate the extension of Part II. of the Medical Act to British Columbia on the conditions proposed by the Provincial College of Physicians and Surgeons.

4. The correspondence forwarded with your letter does not disclose the grounds on which it has been thought necessary to discriminate against a purely Indian qualification. But, as far as the Secretary of State in Council can judge, the practical effect of the proviso would be very limited. As, under present conditions, the Province is virtually closed against the entrance of Indians, the only persons likely to be affected by the proviso would be any Indian doctors already residing there who are on the Medical Register of the United Kingdom but have a purely Indian qualification; and these persons could take themselves out of the excepted class by obtaining a British qualification.

I am also to point out that by no means all Indian qualifications have been recognized by the General Medical Council of Great Britain. The Council has carefully guarded the extension of the privilege, and has so far recognized the medical degrees of Indian universities only in which medical teaching is exclusively given in State colleges and State hospitals. There is no ground, therefore, for apprehension that persons registered in the United Kingdom on purely Indian qualifications are not thoroughly competent.

5. I am to suggest that, in the light of these facts, an endeavour might be made to induce the College of Physicians and Surgeons of British Columbia not to insist on the proviso, which will merely cause offence without having much practical effect.

I have, &c.,  
L. J. KERSHAW.

53031

No. 56.

FOREIGN OFFICE to COLONIAL OFFICE.

(Received 4th November, 1916.)

SIR,

Foreign Office, 4th November, 1916.

I AM directed by Viscount Grey of Fallodon to inform you that he has had under his consideration your letter of 5th September\* respecting the admission of registered medical practitioners in the United Kingdom to practise in British Columbia.

As far as his lordship understands the question at issue, the position appears to be that medical practitioners registered in the United Kingdom will be entitled on certain conditions to practise in British Columbia, but that persons who are so registered only by reason of their holding diplomas granted by Indian or Japanese universities will be excluded unless they obtain a special dispensation from the Council of the College of Physicians of British Columbia.

\* No. 54.

It is obviously undesirable, more particularly at the present time, to emphasize unnecessarily the intention to discriminate against Japanese medical practitioners or to classify them with other Orientals, and Lord Grey would therefore be glad if some expedient could be adopted which, while carrying out the intention of the Province of British Columbia, will not offend the susceptibilities of the Japanese Government.

Lord Grey is not prepared to make any definite suggestion as to how this can be effected, but his object would be attained, for instance, if the exception embodied in the last paragraph of the regulations were extended to the diplomas granted by *all foreign* or Indian universities.

I am, &c.,  
W. LANGLEY.

53031

No. 57.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Foreign Office and India Office, 21st November, 1916. L.F.]

[See No. 60.]

(No. 1304.)

MY LORD DUKE,

Downing Street, 20th November, 1916.

WITH reference to Sir C. Fitzpatrick's despatch No. 467, of the 31st July,\* forwarding a copy of the regulations adopted by the College of Physicians and Surgeons of British Columbia with a view to the application of Part II. of the Medical Act, 1886, to that Province, I have the honour to transmit to Your Excellency, to be laid before your Ministers, copy of a letter from the Privy Council Office† on the subject.

2. I have also been in communication with the Secretary of State for India and the Secretary of State for Foreign Affairs respecting the proviso that a person registered in the Medical Register of the United Kingdom only by reason of his holding a diploma granted by an Indian or Japanese university, college, or other licensing authority, would not be entitled to be registered in the Province except by an express direction of the Council of the College of Physicians and Surgeons of British Columbia. It will be observed from the enclosed copy of a letter from the India Office‡ that Mr. Chamberlain hopes that the College will not insist on this proviso. Lord Grey, too, is of opinion that it is most undesirable (especially at the present time) to discriminate in this way against Japanese medical practitioners, and he expresses the hope that it will be possible to avoid offending the susceptibilities of the Japanese Government.

3. I trust that the representations of Lord Grey and the Secretary of State for India may receive the careful consideration of your Ministers.

I have, &c.,  
A. BONAR LAW.

59028

No. 58.

PRIVY COUNCIL OFFICE to COLONIAL OFFICE.

(Received 8th December, 1916.)

SIR,

Privy Council Office, London, S.W., 8th December, 1916.

REFERRING to your letter of the 21st ultimo (53263/1916),§ in regard to the application of Part II. of the Medical Act, 1886, to the Province of British Columbia, I am directed by the Lord President of the Council to transmit to you, for the information of the Secretary of State, the accompanying copy of a letter from the General Medical Council, with enclosure, on the subject.

I am, &c.,  
ALMERIC FITZROY.

\* No. 51.

† No. 53.

‡ No. 55.

§ Not printed.



Enclosure in No. 58.

General Council of Medical Education and  
Registration of the United Kingdom,  
44, Hallam Street, Portland Place,  
London, W., 7th December, 1916.

SIR,  
WITH further reference to your communication of the 22nd of November, No. 118,554, in regard to the application of Part II. of the Medical Act, 1886, to British Columbia, by direction of the President I send you herein a copy of a communication which I received on the 5th instant from the Registrar of the College of Physicians and Surgeons of the Province of British Columbia.

Hitherto the Medical Council has not been in a position to advise the Privy Council that the position in British Columbia was such as to justify the Privy Council in applying Part II. of the Medical Act to that Province, and, in the President's opinion, this present letter from the Province puts a further obstacle in the way.

I am, &c.,  
A. J. COCKINGTON,  
Acting Registrar.

The Clerk of the Council,  
Privy Council Office,  
London, S.W.

College of Physicians and Surgeons, British Columbia,  
Registrar's Office, Victoria, British Columbia,  
8th November, 1916.

DEAR SIR,  
AT a meeting of the Council, held 6th November, the desire was expressed that the proposed reciprocal arrangement about to be entered into between this Province and the General Medical Council of Great Britain should not be brought into operation until one year after the War; the reason for this being that a great number of men are at the front and have left their practices, and it was felt desirable that these men should have an opportunity of returning and resuming their practices under old conditions before the new order came into being.

The Council does not know whether this arrangement is possible or whether it will meet favour in your eyes, but I was instructed to bring this matter to your attention and see if some mutual arrangement of this kind could be entered into.

Faithfully yours,  
A. P. PROCTOR,  
Registrar.

59028

No. 59.

THE SECRETARY OF STATE to THE GOVERNOR-GENERAL.

[Copy to Privy Council Office, 20th December, 1916, and to India Office and Foreign Office, 21st December, 1916. L.F.]

[Answered by No. 60.]

(No. 1426.)

MY LORD DUKE,

Downing Street, 18th December, 1916.

WITH reference to my predecessor's despatch No. 1304, of the 20th ultimo,\* I have the honour to transmit to Your Excellency, to be laid before your Ministers, the accompanying copy of a letter† from the Privy Council Office with regard to the application of Part II. of the Medical Act, 1886, to the Province of British Columbia.

2. I shall be glad to be informed whether it is to be inferred that the regulations forwarded in Sir C. Fitzpatrick's despatch No. 467, of the 31st July,‡ are suspended, and that further action in the matter will be deferred until after the War.

I have, &c.,  
WALTER H. LONG.

\* No. 57.

† No. 58.

‡ No. 51.

15604

No. 60.

THE GOVERNOR-GENERAL to THE SECRETARY OF STATE.

(Received 26th March, 1917.)

[Copy to Privy Council Office, India Office, and Foreign Office,  
30th March, 1917. L.F.]

(No. 179.)

SIR, Government House, Ottawa, 10th March, 1917.

WITH reference to your despatch No. 1426, of the 18th December,\* with regard to the application of Part II. of the Medical Act, 1886, to the Province of British Columbia, I have the honour to inform you that the following report has been made by the Provincial Secretary of British Columbia to the Lieutenant-Governor of that Province:—

"The War Office has stated that it is willing to accept Canadian graduates registered in British Columbia, providing Provincial Medical Boards which do not already reciprocate with the General Medical Council express a desire for reciprocity with the same. In view of this statement, and in view of the fact that the British Columbia Government has spread upon its statutes an Act which expresses a desire for reciprocity, I am of the opinion that, as our practitioners are receiving equal benefits with others in the Old Country, there is no necessity to proceed further at this time with the enactment of hard and fast regulations which might be a detriment to those practitioners from British Columbia who have gone to the front."

I have, &c.,  
DEVONSHIRE.

## AUSTRALIA.

1605

No. 61.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 12.55 p.m., 10th January, 1916.)

TELEGRAM.

[Copy to India Office, 17th January, 1916. L.F.]

WITH reference to your telegram, 22nd December,† and previous correspondence on subject, my Ministers advise that no discrimination is made between Indian and other Asiatic cultivation of sugar; that no intention of applying provisions of Clause 12 (d) of recent Act to the detriment of Indian cultivators as compared with Japanese; and that provisions of Act No. 4 of 1913 are being strictly observed.

Despatch‡ follows by mail.—GOULD-ADAMS.

\* No. 59.

† 58185: not printed.

‡ No. 63.



2404

No. 62.

QUEENSLAND.

INDIA OFFICE to COLONIAL OFFICE.

(Received 17th January, 1916.)

[Answered by No. 65.]

India Office, Whitehall,

SIR, London, S.W., 15th January, 1916.

WITH reference to the correspondence ending with your letter of the 24th ultimo,\* and in continuation of Mr. Seton's letter of the 9th November last,† I am directed by Mr. Secretary Chamberlain to transmit, for the consideration of Mr. Secretary Bonar Law, a copy of a telegram received from the Government of India regarding the Sugar Cane Prices Act, Queensland.

I am to inquire whether the expected report has yet been received from the Governor.

Mr. Chamberlain is confident that Mr. Bonar Law will agree that differentiation against British subjects in favour of aliens would be not only unjust, but in the highest degree impolitic, and he trusts that this view can be impressed upon the Queensland Government.

I have, &c.,  
M. C. SETON.

Enclosure in No. 62.

FROM VICEROY, 6TH JANUARY, 1916.

P.—THE papers forwarded with Mr. Seton's letter of the 11th November regarding Indians in Queensland appear to disclose intentions on the part of the Government of Queensland which are, in my opinion, open to great objection. An opportunity for a particularly unfair method of discrimination against Asiatic labour would be afforded by the proposal to allow Minister power to reduce the price awarded by the Board for sugar grown under conditions of labour which he regards as unsatisfactory. From the report of the discussion in the Queensland Legislative Assembly forwarded by the Governor, it would also appear probable that it is contemplated to discriminate between Japanese and Indians. Any legislation against Asiatic labour which would have the result of more favourable treatment to the subjects of an Allied race than to fellow citizens of the British Empire would be, I consider, especially in war-time, in the highest degree impolitic and unfair. If Indians were led to think that Japan can obtain for her subjects in Australia concessions which the British Government cannot secure for its own subjects, it would certainly have a very bad effect here.

13351

No. 63.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 20th March, 1916.)

[Answered by No. 67.]

(No. 4.)

SIR, Government House, Brisbane, 3rd February, 1916.

I HAD the honour of transmitting to you, on the 10th January,‡ a cablegram containing a précis of the reply furnished to me by Ministers regarding the position of Indian cultivators in Queensland, a matter which was the subject of the following messages from yourself: despatch, 7th September; despatches, 2nd and 15th November; and cablegram, of 22nd December last.§

I attach hereto, for your further information, the text of the above-mentioned minute from my Premier.

\* L.F. † 51794: not printed. ‡ No. 61. § 40628, 48741, 51794, and 58185: not printed.

Your communications have been due to three causes bearing upon the one subject, (a) the Secretary of State for India's appeal to prevent recent sugar legislation in Queensland, which was said to be causing unemployment amongst the Indians; (b) a letter from Messrs. MacDonnell and Hannam, covering a petition from Indians, of Cairns (North Queensland), protesting against the recent sugar legislation; and (c) a petition addressed to myself, from one Pooran Dabee Singh, in respect to certain Indians in Southern Queensland, and complaining that certain "regulations" issued by the Queensland Government prohibited Indians from being employed in the sugar industry, and protesting that Japanese subjects were being permitted to work in the sugar industry without the restrictions placed upon Indians.

The contents of the Premier's minute furnishes information in respect to (a) and (b) before mentioned and to a portion of the petition of Pooran Dabee Singh.

A perusal of Pooran Dabee Singh's petition will show that his main complaint has been due to certain "regulations" issued by the Government of Queensland. It is in respect to these "regulations" that he and his fellow Indians in Queensland more especially put forward their objections, and they do not refer to the legislation which forms the subject of the petition from North Queensland and of the minute from the Secretary of State for India.

The Premier has not furnished any specific reply in regard to these "regulations," but, in the course of conversation with him on the subject, I understood that the assurances that he was prepared to give in respect to similar treatment being accorded to Indian and Japanese cultivators of sugar-cane, and which are now embodied in his minute, applied with equal force to the members of those two races when employed in the sugar-mills to which the aforesaid "regulations" more particularly referred.

The following brief explanation of the recent sugar legislation in Queensland will probably be of assistance to you in correctly gauging the situation arising therefrom. It is to be regretted that the Premier omitted to deal with it in his minute.

For some years considerable friction has existed each year between sugar-cane growers and the sugar-mill owners in respect to the price to be paid by the latter for the several qualities of sugar-cane.

The Bill introduced by the Government to meet the difficulty provided for the constitution of Central and Local Boards to determine each season the prices to be paid in the several localities. Clause 12 sets forth that a Board in making an award should take into consideration the following: (a) the estimated quantity of sugar-cane; (b) the estimated sugar content of the cane; (c) the crushing capacity of the mill; (d) the labour conditions under which the sugar-cane was grown, harvested, and delivered to the mill; (e) the selling price of sugar; and (f) any other local conditions.

The adoption of subsection (d) of this clause by the Legislature has given rise to the protests which have been made by the Indian cultivators of Northern Queensland, and to which direct reference is made in Mr. Ryan's minute.

I have, &c.,  
HAMILTON GOOLD-ADAMS,  
Governor.

Enclosure in No. 63.

Chief Secretary's Office.

SIR, Brisbane, 7th January, 1916.

ADVERTING to the recent interview which I had with Your Excellency relative to the petition from certain Indians in the Cairns District addressed to the Secretary of State for the Colonies, and the communication (with enclosures) which Your Excellency received from that right honourable gentleman in regard thereto, I have the honour to state that some of the representations contained in the petition are not in accordance with fact, particularly those in paragraph 5 thereof.

Your Excellency's advisers are making no discrimination between cultivators of sugar who are natives of India and other Asiatics. The provisions of "The Sugar Cultivation Act of 1913" are being strictly observed by Your Excellency's



advisers, and there is no intention that the provisions of clause 12 (d) of "The Regulation of Sugar-Cane Prices Bill" should be applied to the detriment of Indian cultivators as compared with Japanese.

I have, &c.,

T. J. RYAN,

Premier and Chief Secretary.

13378

No. 64.

QUEENSLAND.

THE GOVERNOR to THE SECRETARY OF STATE.

(Received 20th March, 1916.)

(Confidential.)

SIR, Government House, Brisbane, 3rd February, 1916.

I HAD the honour of forwarding to you to-day a minute\* from my Premier bearing upon the employment of coloured labour in the sugar industry of Queensland.

2. The whole question has arisen from the receipt of petitions by the Secretary of State for India, by you and by myself, in which certain Indians resident in this State deplore the passing of recent legislation and the issuing of regulations which, in their opinion, is going to seriously affect their employment in the sugar industry.

3. I have had a long discussion with my Premier on the whole subject, and he has been sufficiently candid to explain fully to me the position of the Government in respect to this matter.

4. The following is an outline of what I gathered from the conversation: The Government is very desirous of strictly adhering to the letter of the Sugar Cultivation Act of 1913 and to the understanding arrived at with the Secretary of State for India at the time the Act was under consideration, viz., to grant to qualified and respectable Indians resident in this State permission to cultivate sugar-cane and to work in the mills for the production of sugar, and in no way to handicap such persons from reaping a full reward for their labours. Up to the present the Government have found no difficulty in carrying out their obligations, so far as the cultivators are concerned, but, owing to the action of the white mill-hands, certain obstacles have arisen which have caused the Government to limit considerably the number of coloured persons working in the mills. It has been, and is, the intention of the Government to still allow to work in the mills those coloured persons who have the necessary permits, and to treat Indians and Japanese in an identical manner, but they find themselves forced by popular opinion to restrict the granting of further permits in the future.

5. The recently-passed Sugar-Cane Prices Act provides, in clause 12 (d), that the Boards making an award in respect to the price of sugar shall take into consideration "the labour conditions under which the sugar-cane is grown, harvested, and delivered to the mill." There is nothing in the clause itself to indicate that this condition has been introduced for the purpose of differentiating unfavourably against coloured cultivators, but it has been construed by the public as having been inserted for this purpose, and though probably the inference is correct, there is nothing in the clause itself to warrant a definite charge that such was the case. The subsection has to be interpreted by the Boards which have to carry out the Act, and all will depend upon their actions. At any rate, we can rest satisfied that whatever treatment is meted out to the Japanese will be meted out to the Indians also.

6. Some short time ago when there existed in the sugar-mills in North Queensland an agitation concerning the employment of coloured labour in those mills, considerable prominence was given to the matter in the public Press of Australia. At that particular juncture a Japanese squadron was visiting the several ports in the Commonwealth, and the Japanese Consul-General took advantage of the opportunity so afforded to interview the then Prime Minister of

\* Enclosure in No. 63.

the Commonwealth in respect to the position of the Japanese engaged in the sugar-mills in North Queensland, and I have reason for supposing that the Prime Minister, after consulting the Premier of this State, informed the Japanese Consul-General that the members of his nation employed in the Queensland sugar-mills would not suffer in consequence of the agitation that was then taking place in that State. This reply of the Prime Minister was made public by the Japanese Consul-General, and it is largely in consequence of this pronouncement that Indians now resident here believe that the Japanese are going to be treated better than are they themselves. I can only repeat that my Premier was most emphatic in his assurance to me that identical treatment would be accorded to Japanese and Indian workers.

7. It would appear to be an easy matter for the Premier to remove all doubt from the minds of the local Indians by furnishing Pooran Dabee Singh with a reply to his petition containing an assurance that in the mills Indians and Japanese would be similarly treated. The Government are, however, not prepared to do this at the present moment, as any reply furnished to the Indians would at once be commented upon and would raise a discussion in labour circles upon the whole question. The Ministers prefer that this should not take place—they would rather allow their supporters to remain in blissful ignorance of what they are doing.

8. The position cannot be said to be satisfactory, but as long as no actual adverse treatment is meted out to Indians or Japanese it is possibly the best policy for the time being to accept what is being done and ignore the terms of the latest Act and any regulations which may be issued.

9. I have not sent a copy of this despatch to the Governor-General.

I have, &c.,

HAMILTON GOOLD-ADAMS,  
Governor.

13378

No. 65.

QUEENSLAND.

COLONIAL OFFICE to INDIA OFFICE.

[Answered by No. 66.]

SIR,

Downing Street, 7th April, 1916.

WITH reference to your letter of 15th January last,\* I am directed by Mr. Secretary Bonar Law to transmit to you, to be laid before Mr. Secretary Chamberlain, copies of two despatches† from the Governor of Queensland on the subject of the position of Indians engaged in the sugar industry.

2. Mr. Bonar Law proposes, subject to any observations that Mr. Chamberlain wishes to make, to signify non-disallowance of "The Regulation of Sugar-Cane Prices Act of 1915," a copy of which was enclosed in the letter from this Department of 14th December last,‡ on the understanding that there is no intention that clause 12 (d) will be applied to the detriment of Indian cultivators as compared with Japanese, and that the attitude referred to in Mr. Harcourt's despatch No. 116, of 23rd October, 1913,§ which was communicated in the letter from this Department of 25th October, 1913,|| is to be maintained.

3. I am to add that the Premier of Queensland is on his way to this country, and proposes to discuss the matter with the Secretary of State on his arrival.

I am, &c.,

H. W. JUST.

\* No. 62. † Nos. 63 and 64. ‡ 55023: not printed. § No. 53 in Dominions No. 44. || L.P.



22138

No. 66.

QUEENSLAND.

INDIA OFFICE to COLONIAL OFFICE.

(Received 10th May, 1916.)

[Answered by No. 68.]

SIR,

India Office, Whitehall, London, S.W., 9th May, 1916.

WITH reference to Sir H. W. Just's letter, dated the 7th April, 1916,\* I am directed by Mr. Secretary Chamberlain to say that he will raise no objection to Mr. Secretary Bonar Law's proposal to signify non-disallowance of "The Regulation of Sugar-Cane Prices Act of 1915," passed by the Parliament of Queensland, on the understandings stated in that letter. Mr. Chamberlain would be glad if advantage could be taken of the visit of the Premier of Queensland to this country to press the claim of Indians already concerned in the sugar industry to equitable treatment.

I have, &amp;c.,

M. C. SETON.

22138

No. 67.

QUEENSLAND.

THE SECRETARY OF STATE to THE GOVERNOR.

SIR,

Downing Street, 7th June, 1916.

WITH reference to your despatch No. 4, of 3rd February last,† I have the honour to request you to inform your Ministers that His Majesty will not be advised to exercise his power of disallowance with respect to Act No. 5 of 1915 of the Legislature of Queensland, entitled "The Regulation of Sugar-Cane Prices Act of 1915," a transcript of which accompanied your despatch No. 40, of 11th October last.‡

2. I understand that there is no intention to apply the provisions of clause 12 (d) to the detriment of Indian, as compared with Japanese, cultivators, and that Ministers are fully alive to the advisability of administering the Act in such a way as to safeguard the interests of existing Indian cultivators.

I have, &amp;c.,

A. BONAR LAW.

22138

No. 68.

QUEENSLAND.

COLONIAL OFFICE to INDIA OFFICE.

SIR,

Downing Street, 7th June, 1916.

WITH reference to your letter of the 9th ultimo,§ on the subject of the Queensland "Regulation of Sugar-Cane Prices Act of 1915," I am directed by Mr. Secretary Bonar Law to request you to inform Mr. Secretary Chamberlain that he has seen the Premier of Queensland, who repeated to him the assurances contained in despatches from the Governor of Queensland, copies of which have been sent to the India Office, that there is no intention on the part of the Queensland Government to treat Indians less well than Japanese, or to work the Act unfairly to existing Indian interests.

2. A copy of his despatch to the Governor of Queensland is enclosed herewith.||

I am, &amp;c.,

HENRY LAMBERT.

\* No. 65.

† No. 63.

‡ 55023: not printed.

§ No. 66.

|| No. 67.